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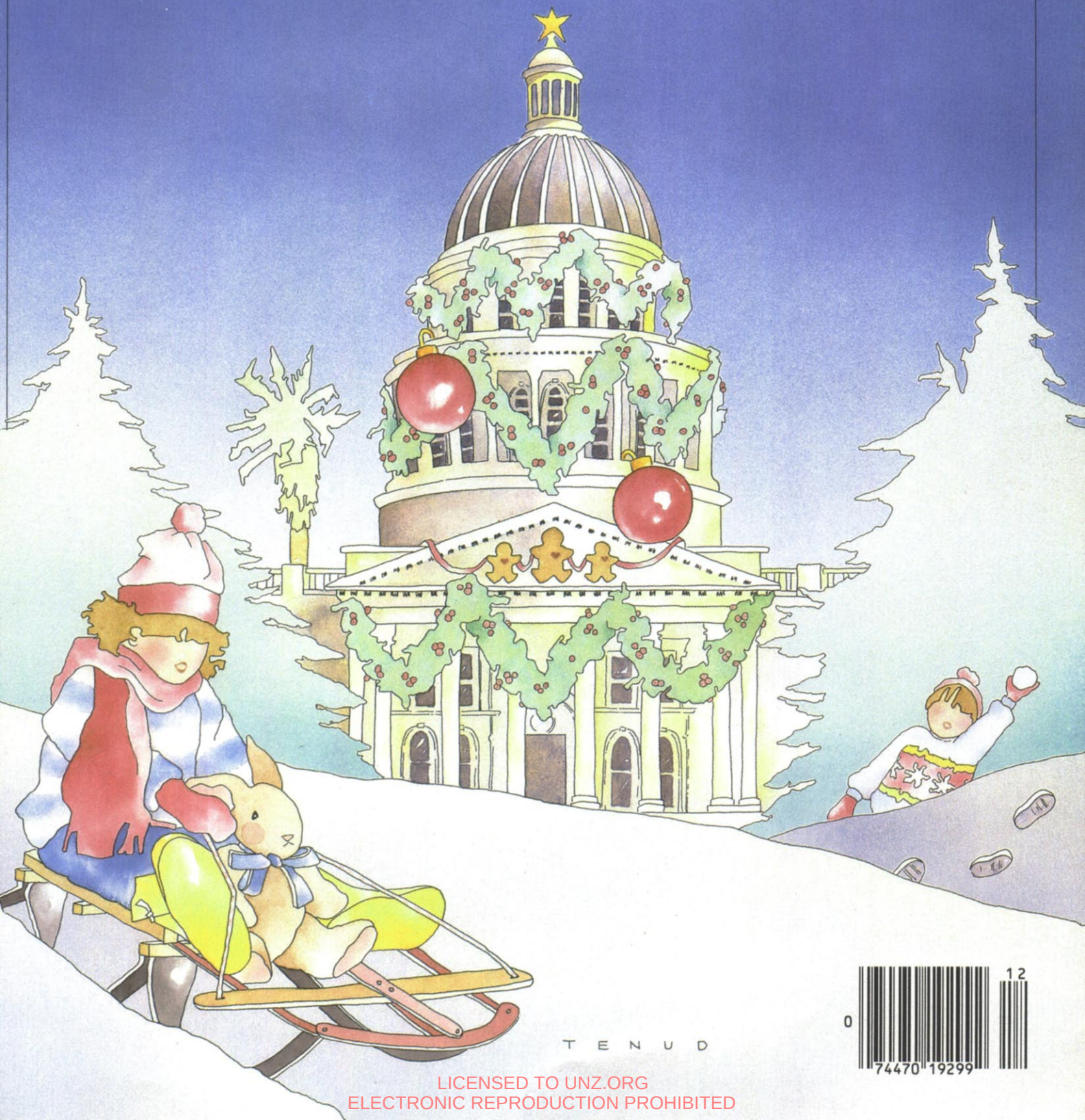

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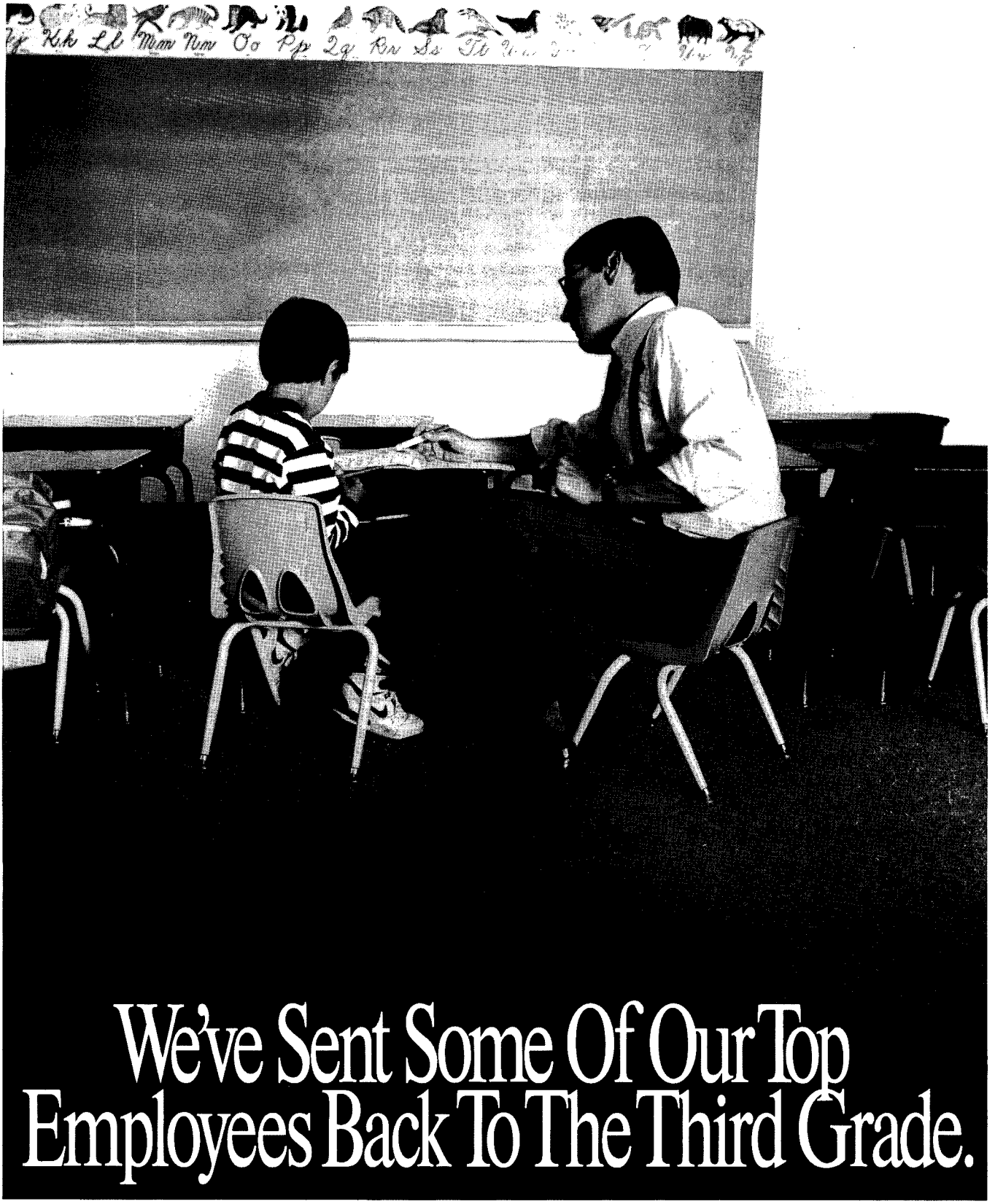

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CALIFORNIA Journal

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Buying textbooks for California classrooms is big business, and publishers have developed cozy ties to the buyers. By Beth Gaston

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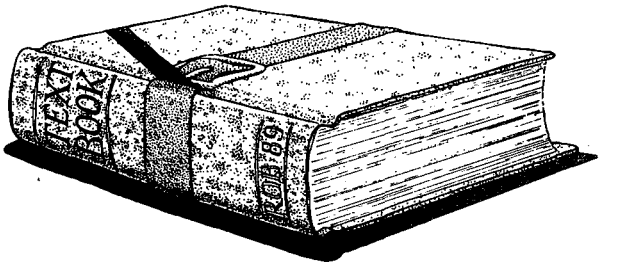

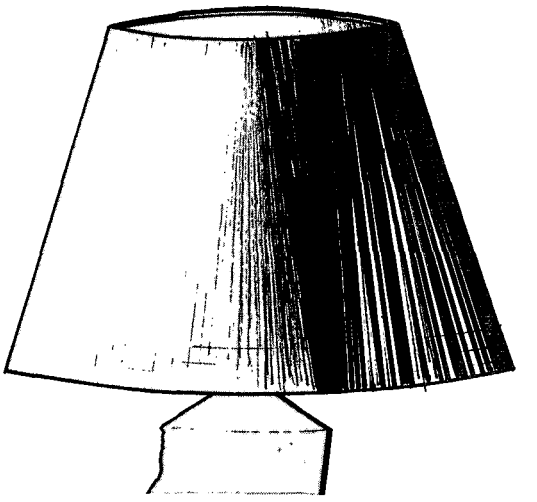

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UP FRONT

Graceful Exit Department. After 23 years in the Legislature and some unsuccessful attempts at higher office, state Senator William Campbell has announced that he will be leaving office in January to become president of the California Manufacturers' Association. And — are you ready for this? — the delay in his departure prompted Common Cause to complain that the timing created "serious ethical problems" for Campbell. Can you imagine anyone accusing the humorous, rotund Campbell of such a lapse? Just because he frequently has been associated with special-interest bills (including being author of the bill sponsored by former fireworks magnate Patrick Moriority that resulted in Moriority going to jail and former Assemblyman Bruce Young being convicted of mail-fraud violations later overturned on appeal) that's no reason to be suspicious of the man's moral compass. Besides, the Hacienda Heights Republican has assured us he will withhold his vote "if I perceive even a hint of conflict" in matters involving the CMA, which lobbies on a wide range of issues of concern to the state's businesses. Hey, senator, that's good enough for us.

The residents of Seattle are getting a little miffed at Californians. Seems we're moving up there much too often to suit their tastes, and we're bringing some of our less-desirable traits with us, including traffic congestion and rapidly rising housing costs. The backlash reportedly has included social ostracism and discrimination in employment. Things have gotten so bad that the Washington Supreme Court granted a new trial to a woman who claimed jurors were biased against her because she was from California. There must have been some lawyers in that first boatload.

Remedial math. The California Teachers Association has been running a series of newspaper ads by president Ed Foglia called "Teacher Views." One recent column complained that SCA 1, the June ballot measure that combines a gasoline-tax increase, Gann spending-limit revision and — not coincidentally for teachers — a reduction in the percent of state money that would go to schools under voter-approved Proposition 98, was a bad idea. The ad said the measure would add only $300 million to the Gann spending limit, "*one seven-thousandth*" (emphasis theirs) of the current state budget, and not enough, according to the teachers. Problem is, they got the math a little wrong. At that rate, the state budget would be about $2.1 trillion dollars, instead of in the actual neighborhood of $50 billion. What they meant was *seven one-thousands*.

(Alan Wachtel, Mountain View)

Disasters bring out the best in people, and sometimes corporations, too. Take those fine folks at Chase Manhattan Corporation. Following the San Francisco earthquake, the company ran a full-page ad in the *San Francisco Chronicle* saying "Chase is here to help." In large type they announced their willingness to let people go deeper in debt on their charge cards, and, best of all, skip a month's payment entirely. But before you drop that payment, be sure to read the very fine print at the bottom of the ad — the fine print referred to by an asterisk next to the announcement of Chase's generosity: "finance charges apply." Thanks, Chase. Yeah, really, thanks much. Community-minded to the core.

Time is nature's way of keeping everything from happening at once. It seems that Tom Hayden can't keep himself out of weekly periodicals. First there was the unpleasantness in the tabloids after his break-up with Jane Fonda. Now comes *Time* Magazine. On page 54 of its October 30th issue, *Time* announced that Hayden "may run for the state's top eco-watchdog post, which he helped create," and that this election could be a prelude to a run for the U.S. Senate in 1992, when Alan Cranston will be up for reelection. We're not quite sure what *Time* is talking about, since the state has no "eco-watchdog" post. Perhaps they mean insurance commissioner, which, from time to time, Hayden has been rumored to fancy. Or maybe they mean a post in a proposed environmental initiative that has yet to qualify for the ballot. In any case, if one looks on page 87 of that same issue, one would find *Time* bemoaning the fact that journalists just don't check their facts any more.

Cartoon by Steve Greenberg

We didn't check the facts in this *Wall Street Journal* article, either, but we're going to pass it along anyway. Seems that a Matthew Lesko of Kensington, Maryland, is something of a defender of maligned bureaucrats. In fact, Mr. Lesko has offered $5000 for the best "verifiable story of 250 words or less about how a government bureaucrat helped you," confident he would be swamped with stories. Despite efforts at promotion, Lesko told the newspaper that he had received only one entry, and that came from a woman with the New York Department of Taxation and Finance who nominated her boss.

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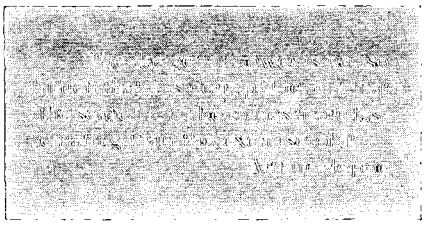
Political columnists throughout California thoroughly pasted Senate President pro Tempore David Roberti when he led opposition to a bill that would have moved the state's 1992 presidential primary from June to March. The scribes accused Roberti of selfish motives and fear associated with the loss of entrenched incumbency. Largely overlooked was Roberti's argument that the Legislature won't get final results from the 1990 census until July 1991, which gives the state only three months to devise a new reapportionment plan if there is to be a March 1992 primary.

True, Roberti and other lawmakers might have been motivated in part by concerns over a restricted fund-raising season. But what about the motives of those political columnists? In lambasting Roberti, were they motivated by their desire to get the same attention from political candidates as their bretheren in, say, Iowa, where party caucuses traditionally provide the first presidential testing-ground?

For months prior to the Iowa caucuses, that state and its political reporters are the focus of national news. The *Des Moines Register*, for instance, organizes a high-profile presidential debate and conducts preference polls that become page-one stories throughout the world. David Yepsen, the *Register's* resident political pundit, was frequently quoted in other newspapers, as well as guested on television news programs. Now wouldn't California political columnists enjoy that kind of spotlight?

(Teresa Simons, Sacramento)



Come across a blurb lately that's nosy, newsy or smart-alecky about California government, politics or politicians? Share it with the Journal. *We pay up to $25 for entertaining tidbits published in "Up Front." So, rush your items to Up Front, 1714 Capitol Avenue, Sacramento, CA 95814. Sorry, submissions cannot be returned.*

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ROSTRUM

Larry Stirling

Your article on Larry Stirling (see "A senator resigns," *CJ*, November 1989) quoted an unidentified lobbyist as saying that no one in the Capitol was sorry to see Stirling leave. This person certainly has not spoken to me, or to the literally dozens of staff, lobbyists, media persons, and other Legislature-watchers who have expressed the exact opposite opinion shortly after the senator's departure.

For the record, Larry Stirling's resignation is a major loss to our system of representative government. He will be missed by many around here and, most of all, he will be missed by his constituents whom he served so very well during his tenure as an elected official.

It is ironic that the lobbyist who offered the above opinion was not identified, since Larry was very vocal in recent months about just this kind of character assassination by masked innuendo.

ART LETTER
Principal consultant to
Larry Stirling

Lobbying

With regard to your item in Up Front (see *CJ*, November 1989) on governmental lobbying expenses, about 90 percent of the $1.1 million reported by the Metropolitan Water District of Southern California involved the district's participation in the Bay-Delta hearings before the State Water Resources Control Board. The Board has determined that the costs of developing and presenting testimony for the hearings are reportable to the Fair Political Practices Commission. MWD included the legal and consulting fees associated with the hearing process in its FPPC filing for last year. Excluding the hearings, MWD's 1988 lobbying expenses amounted to approximately $130,000.

CARL BORONKAY
General manager
MWD of Southern California

Beer

From reading your Up Front item (see *CJ*, November 1989) on the Beer Drinkers of America, you seemed down on them. Do you have some prejudice against them? Down here in the Bay Area, I will gladly have my Foster's Lager and Coors. What's chic in Sacramento? Chardonnay and sushi?

WILLIAM BRADSHAW
Oakland

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TO DICK, JANE AND SPOT — CIAO, BABY!

State textbook buyers get the hard sell

By Beth Gaston

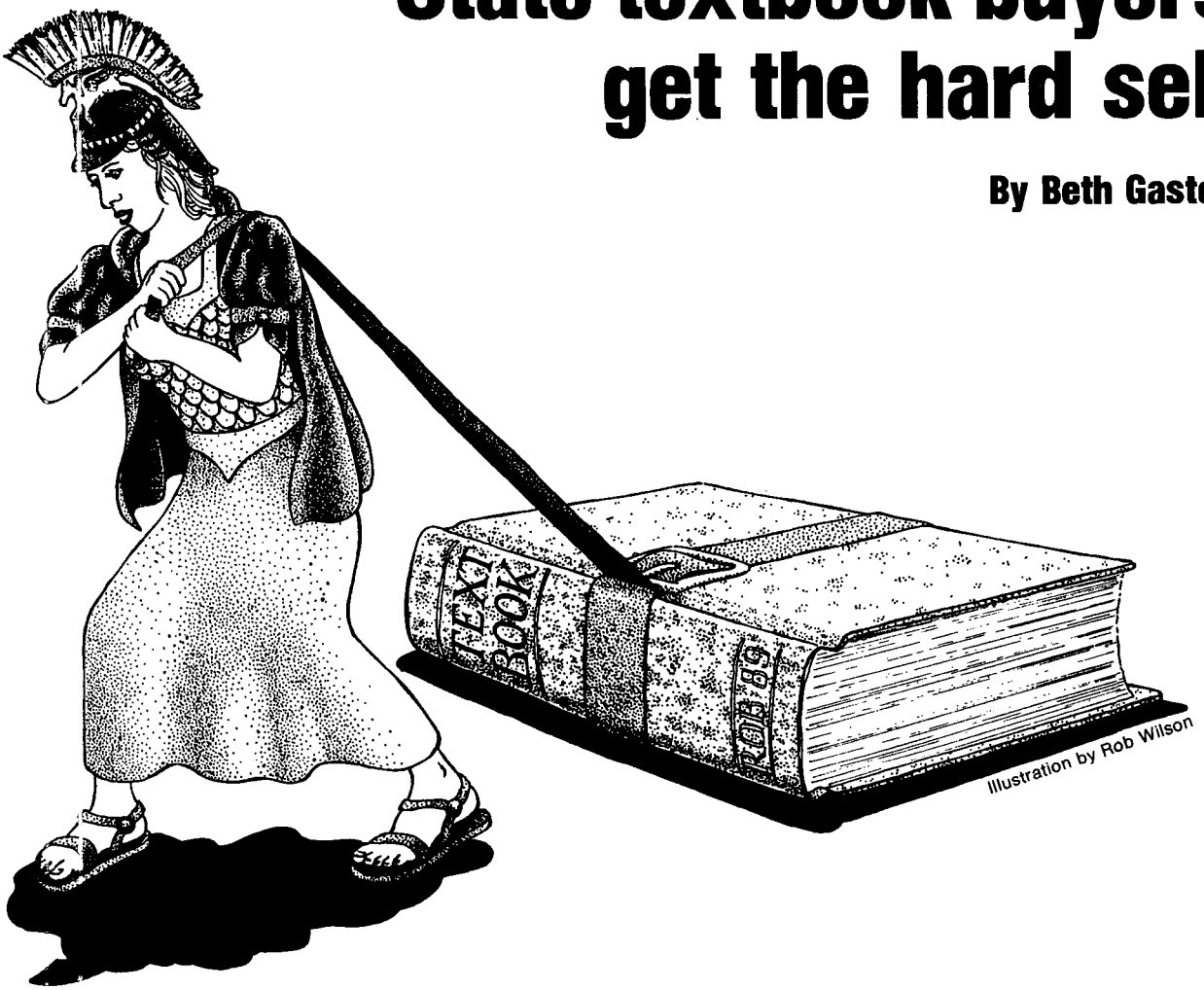

Illustration by Rob Wilson

Spot no longer runs on the pages of California textbooks.

Puff long ago went to her reward.

And Dick and Jane should be grown by now with children of their own.

And if their kids attend California schools, they are reading very different textbooks. How those texts got there is the result of a long and complicated process — and one that has been increasingly called into question even as elementary school children throughout the state are being exposed to a new, tougher, literature-based reading program for the first time in years.

According to critics of the selection process, it is subject to gross manipulation by some textbook publishers, and charges have been raised that many texts are picked not so much on their merits as on the quality of their lobbyists, whose publishers often shower perks and favors on officials responsible for selecting the books.

Beth Gaston is a freelance writer from Sacramento.

Over the past year, those critics captured the attention of the Legislature, which earlier this year passed a bill by Senate Republican leader Ken Maddy of Fresno to shorten and reform the textbook-selection process.

Not everyone thought the system needed reform, however. State Superintendent of Public Instruction Bill Honig, for one, believed the system worked fine. Allegations of influence-peddling were attacks by disgruntled publishers, he said, adding that the attacks have strenghtened the existing system, not weakened it.

California is one of 22 states where the state itself approves textbooks and other instructional materials. The State Board of Education is ultimately responsible for the selection. The Board adopts a list of five to 15 textbook series for each subject area suitable for use in grades kindergarten through eight (K-8). Individual school districts must select from this list for at least 80 percent of their state-financed materials.

The entire process for adopting textbooks is complicated and time-consuming, lasting seven years and containing several steps. The cycle begins when the Board of Education

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drafts a "framework" for one of seven broad subject areas: math; health; science; english-language arts; visual-performing arts; history-social science; or English as a second language-foreign language. A framework is a guideline meant to inform publishers and textbook authors about minimum topics to be included in a text on the subject. The Board selects one subject a year for a new framework, rotating among the subjects. Writing and revising the framework takes the Board two years and includes teacher and public review. For example, in 1989 the Board chose math and, according to the timetable, will adopt a new math framework at the end of 1990.

Once the new framework is adopted, publishers have two years to write and submit texts and other instructional materials for review by the Board. The initial review is done by "instructional materials evaluation panels" set up by the Board. The materials are also available for public review in 30 centers throughout the state. The materials are evaluated both for content (whether they live up to framework standards) and for legality (whether they live up to standards of non-discrimination on the basis of sex, race and age).

The Board then makes its choices and puts the selected materials on 30-day public display, after which it holds a public hearing and makes a final decision. The process begins in April and ends in September or October. Order forms are distributed to districts and ordering of particular texts begins in March for the following school year. After the materials have been used for two years, the framework adoption begins anew, building on recent studies as well as on experience from the two years' use of the new texts.

In the abstract, this procedure seems routine, if unwieldy. However, critics charge that it fosters a kind of corruption.

California has a huge annual textbook budget, almost $120 million for instructional materials used in kindergarten through 12th grade. It is the largest such budget in the nation and accounts for about 10 percent of national textbook sales. For a text to be included on the California list of approved materials is profitable for a publisher; to be left off can mean a book may never actually get published. Furthermore, California has such a dominant place in the textbook market that this state's adoption of books often means that other states will follow suit.

Within the past year, numerous allegations of corruption in the selection process have been raised. For instance, in April 1989 the *San Francisco Chronicle* reported on illegal, direct links between some publishers and members of selection panels and the Board of Education. Because any citizen can apply to become a volunteer textbook evaluator, publishers' salesmen and managers actively push their own candidates, the *Chronicle* reported. In addition, a rule prohibiting contact between selection-panel members and publishers during the selection process is routinely ignored, the paper's investigation discovered. Contact is only supposed to take place in structured sessions, where publishers show all panelists their wares. However, the *Chronicle* uncovered common instances of publishers "wining and dining" panel members.

Alleged abuses of the process do not end even after the state list of texts is complete. Some publishers, the *Chronicle* charged, have been buying expensive meals and financing "seminars" and weekend vacations at fancy resorts to "inform" local educators on district book-selection committees about the publisher's line of books. Among publishers named by the paper were Holt, Rinehart and Winston; McGraw-Hill; and Harcourt Brace Jovanovich. The *Chronicle's* articles cited anonymous sources in making the allegations.

Other publishers were accused of offering discounts, re-

Evolution vs. creationism

In 1984 the Department of Education approved a new science framework that included an increased emphasis on evolution. The repercussions caused by that new framework echoed throughout the textbook industry when, in September 1985, the department's Curriculum Development Commission rejected all of the junior high school science books submitted for approval. According to the commission, those texts failed to adequately address evolution and human reproduction as mandated by the framework.

The framework mandated that texts include explanations about natural selection, mutations and the progression of species when addressing evolution. Sections on human reproduction must include explanations of conception and anatomy, and address responsibility with regards to sex, children and family.

But not everyone believes in the theory of evolution. In fact, a large and vocal group believes in biblical explanations for Man's existence, or what is known as "creationism." Thus, the stress on evolution angered those who believe that God created the earth and everything in it in six days. They disputed that evolution be taught as scientific fact and wanted science teachers to push their theories, as well. An angry debate ensued.

The state Board of Education pushed on with its standards, however, approving 10 new junior high school science books in December 1985. That approval exacerbated the debate over evoluton, which carried on until a new science framework was to be approved.

A new science framework was due for approval in 1989, and that schedule provided a new forum for creationists to push their agenda. The 1989 Science Framework Draft reaffirmed evolution as a key to science study in California schools: "Evolution is the central organizing theory of biology, and has fundamental importance in other sciences as well." As such, evolution is presented as a central organizing theme of science that pervades the framework.

Also, in an introductory statement, titled "State Board of Education Policy on the Teaching of Natural Sciences," the Board of Education proclaimed: "Nothing in science or any other field of knowledge shall be taught dogmatically. A dogma is a system of beliefs that is not subject to scientific test and refutation. Compelling beliefs is inconsistent with the goal of education; the goal is to encourage understanding." "Creation science," as pushed by creationists, is specifically addressed in the framework and rejected as unscientific.

The debate came to a head during an October 25th public hearing before the Board of Education. What had been scheduled as a review of the 1989 framework turned instead into a debate on evolution versus creationism, despite state Superintendent of Public Instruction Bill Honig's pleas to

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bates, and items such as free teachers' manuals to representatives from larger districts while not offering such inducements to those from smaller districts. Under the law, all districts must be offered the same materials at the same prices.

Reports that the text-selection process might be tainted prompted lawmakers to call for various investigations. Democratic Assemblyman Elihu Harris of Oakland called for an auditor general's investigation into the process. Former GOP state Senator Larry Stirling of San Diego demanded separate investigations by the attorney general, the legislative analyst and the Little Hoover Commission. Only the auditor general and attorney general's offices took up the cause. Attorney General Van de Kamp's office declined to comment on its on-going investigation.

Acting Auditor General Kurt Sjoberg said his office is investigating the textbook process and will probably release its findings in January 1990. He, too, declined to discuss the probe until the public report is issued. However, Sjoberg admitted that "issues raised by the *Chronicle* are part of what we're looking at." He also stated the investigation will "ensure that California is in fact getting the best price [for texts]."

Superintendent Honig said that allegations of misconduct are allegations and nothing more and are based on hearsay. If abuses of the system occur, Honig said, they're minimal. The charges came "from a publisher's attempt to discredit the process which generated a lot of smoke, but nobody's been able to show us anything," said Honig, "they just didn't like us flexing our muscles."

Following the allegations of wrongdoing, the Board of Education adopted a new professional code of conduct in June 1989. The new code basically reiterates the old: It is a violation of state law for those who evaluate or purchase instructional materials to accept money, meals, gifts or other inducements from publishers; publishers are prohibited from making such offers; and conflict-of-interests disclosure statements are requested of all district officials.

On a state level, and in some districts, conflict-of- interest disclosure forms were routine practice, but other districts had no process to systematically eliminate from the selection process teachers and administrators who write textbooks or consult for publishing companies.

The Maddy bill (SB 594) also brought about change. It requires that new texts in each of the seven subject areas be adopted every two years and be adopted or rejected within six months of submission. The new law also requires that at least seven of the public members of the Curriculum and Supplemental Materials Commission be classroom or mentor teachers and that materials refer to humanity's place in the ecological system and the necessity for protection of the environment. It also makes other technical changes.

Governor George Deukmejian signed the bill into law on September 30, but he first deleted the general fund appropriation of $150,000 designed to implement it.

John Mockler, a lobbyist for the Association of American Publishers, said that the bill's importance lies in the change of selection time frame. He said the system would "increase competition, and California kids will have available to them more up-to-date books." Mockler said the appropriation lack would make little difference in the implementation of the bill: "You're talking about $150,000 in a two million dollar budget," he said.

Glen Thomas, director of the Office of Curriculum Framework and Textbook Development, disagrees. He argued that the more frequent adoption of textbooks does not mean that quality will improve, or that districts, with limited funds available, will necessarily buy the books more often. "There might be more adopted, but districts may not buy them. A big part is responding to the market," said Thomas.

Continued on next page

"keep this on track here."

During the debate, Board President Dr. Francis Laufenberg cited a 1987 U.S. Supreme Court ruling, *Edwards v. Aguillard*, that declared unconstitutional a Louisiana law forbidding the teaching of evolution unless accompanied by instruction in "creation science." Laufenberg said, "We cannot provide for teaching of creationism in science classes." He mentioned that speakers on the topic are "wasting time and beating a dead horse."

More than 100 speakers were given three minutes each to present their cases. Among the speakers were public school teachers college professors, rabbis, ministers and concerned parents, as well as lawmakers such as Republican Assemblymen Tim Leslie of Carmichael and Richard Mountjoy of Monrovia. They argued, in effect, that science curricula ought to either deny evolution as a scientific fact or accept creationism in the same way.

Assemblyman Leslie stated that the "issue is over a policy that will squelch scientific arguments for creationism." He compared the Board of Education hearings to the 1925 Scopes trial — the first court decision on the teaching of evolution, where a high school biology teacher was convicted of teaching evolution and fined $100. Mountjoy argued that "evolution is a theory that has no fact," adding that the state is involving itself in religion by teaching evolution as a fact, thus "denying creation could even exist."

Cal Currens, a concerned parent, declared "teaching evolution as a fact when it is not is a breach of public trust."

On the other side of the issue, Sister Noel Riley said, "The Biblical story has religious purpose; do not degrade it to the level of science. The Bible speaks of God — not geology."

Dr. Eric Pengelley, professor emeritus of the University of California, argued that "Creationism is not science. Never has been, never will."

Fred Blum, representing the American Jewish Congress, stated: "We are a member of a minority religion, which makes us extra sensitive to any attempt to dismantle the separation of church and state .... Teaching creationism as science is not only unconstitutional, but morally and ethically wrong."

In a telephone interview later in the afternoon, Bill Honig compared the hearing to "a light bulb burning bright before it burns out." Honig added, "We have a right and a responsibility to teach science, but nobody's going to say 'You have to believe this.' I think that's a fair compromise."

Before final approval by the Board of Education, however, some minor changes were made in the framework. Evolution is still the central organizing theme, but references to evolution as "scientific fact" were removed; a section questioning the validity of creationism was deleted; and a sentence "some people reject the theory of evolution purely on the basis of religious faith" was added.

The compromises do not change the content of the framework — evolution will still be taught. Only the language was softened.

— *Beth Gaston*

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Thomas also added that "without added resources, the bill cannot be implemented totally." The adoption of texts every two years means the staff must be increased and travel expenses of selection panel members will rise. "This bill severely increases the workload of committees and staff," he said.

Honig believes the bill was pushed as "a publisher's attempt to water down the state board," following the board's toughening of standards. As initially written, Maddy's bill proposed adoption of any text that "generally responded to the overall direction of the adopted curriculum framework." This clause, which would have made it almost impossible for the Board to reject any text submitted for review, was not included in the final draft of the bill.

Senator Maddy would not comment on his bill.

What kind of books does California want?

"We're actually asking for pretty profound changes [from existing texts]," said Honig. "We need textbooks that present this material so kids can get it."

For example, in older English books, literature was often not included or was heavily edited to omit any potential discrimination or conflict.

The new English language-arts framework, implemented in books distributed to schoolchildren this Fall, calls for "attention to values in literature that reflects the real dilemmas faced by all human beings and that represents traditional and modern classics across all the disciplines" as opposed to "superficial treatment of values in *safe*, diluted, or sterile texts dealing with trivial subjects or condescending themes," according to the state's English-Language Arts Framework adopted in 1986.

And the process of introducing literature to school children is expected to begin in kindergarten, with stories read aloud, and extend through high school.

History texts are expected to be more comprehensive and include narratives, not just lists of dates; biographies; and specific examples and incidents. Math books are also undergoing a "general tightening up," said Honig.

The new curriculum for science texts also forced the issue of evolution versus creationism and how human sexuality and reproduction should be approached (see page 484).

Besides framework criteria, texts are required to meet guidelines for "social content." State standards require that texts portray the sexes equally; project ethnic and cultural diversity and in equal proportion; and promote a healthy perception of older people and the disabled. White-collar and blue-collar labor must be portrayed fairly, and religious diversity should be depicted when appropriate. Brand names and corporate logos must be omitted whenever possible.

Special circumstances, including literary, historical and cultural perspectives, can be exempted from these requirements. In other words, literature that may include stereotypes about blacks, for example "The Adventures of Huckleberry Finn," need not be eliminated or altered. Discussion material, however, needs to be included in the teacher's edition indicating historical changes in attitudes.

All of these issues involving California textbook selection are important not only within the state, but nationwide. The volume of state sales — 10 percent of the nationwide sales — allows California the luxury to control the content of texts. Publishers will cater to California demands whereas smaller states with smaller budgets often have to accept what is offered.

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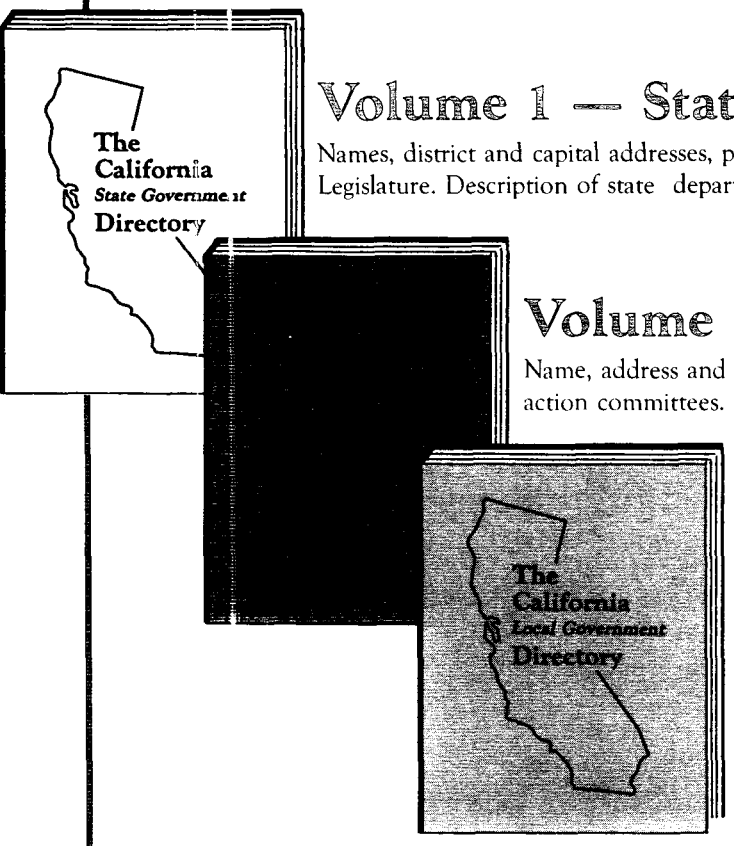

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MURDER? SEX? INTRIGUE?

The State Capitol's untold story

By Greg Lucas

Madness.
Murder.
Mayham.
Bats, rats and gargoyles.
Tunnels and an underground vault.
Weathered tombstones.
Ghostly noises.
Secret staircases.
Sounds like a Stephen King novel, doesn't it?
Guess again.

Horror and rampant weirdness are not the first images most people conjure up of state government. But the history of California's Capitol is full of stories stranger than the most lurid fiction.

Since construction began on it in 1860, the Capitol has been the setting for some very bizarre happenings. The building itself is full of little architectural quirks that few of the legislators who work there are aware of.

"I didn't know that," was the response of several lawmakers asked

---

Greg Lucas covers the Capitol for the San Francisco Chronicle.

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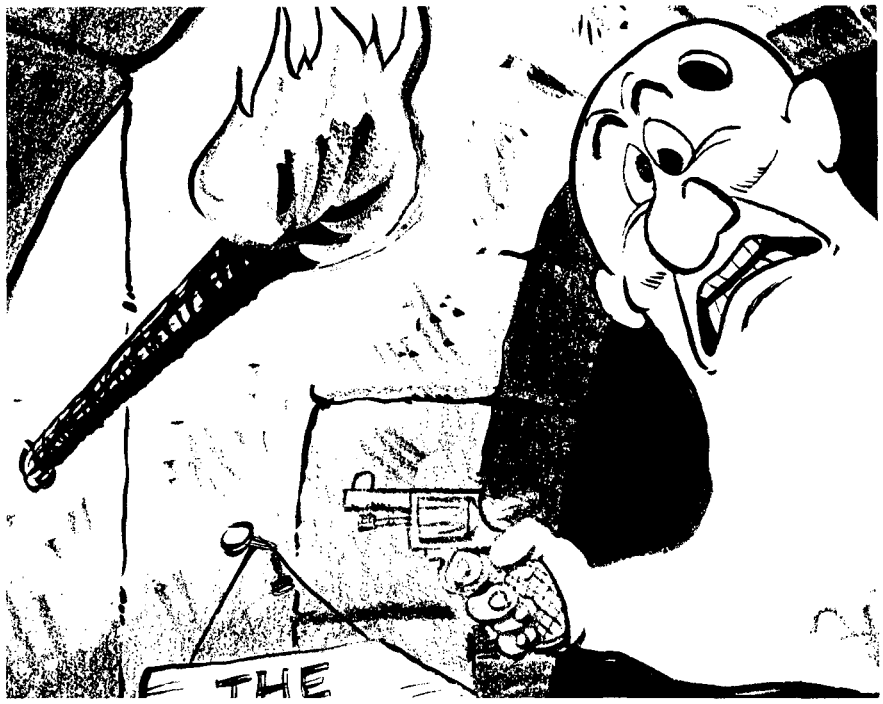
about the Capitol's historical and structural peculiarities. But one state senator did know that his legislative predecessors were directly responsible for the Capitol's first human tragedy.

The Capitol's architect, Reuben Clark, did not live to see construction completed on the building he designed. He died in the Stockton Insane Asylum, now the Stockton State Hospital, in 1866, eight years before the building was finished. Hospital records list the cause of Clark's insanity as "continued and too close attention to the building of the state Capitol."

Clark buckled from the strain of insensitive lawmakers berating him on cost overruns and delays in completing the project. Many of the delays were beyond Clark's control. The Civil War, for instance, made it difficult and expensive to get needed construction materials.

But the Legislature still blamed Clark. His incompetence, they said, was why a project they budgeted $500,000 for was spiraling up to $2.5 million. Clark died four months after entering the asylum.

About the only thing that hasn't been seen in the building Clark started is a ghost, even though the structure is a perfect setting for a ghostly yarn. An annex, built in the 1950s, is bright and well-lit, but the old Capitol with its Victorian woodwork, dim lights and lofty corridors has a somber, almost tomblike quality — especially at night. Yet none of the Capitol tour guides, state historians or legislators interviewed know of unusual, otherworldly occurences there.



"The Capitol's not a creepy place," said Assembly Speaker Willie Brown who has worked in it for 25 years. "There may be creepy people who occupy it, but it's not in and of itself creepy."

In 1927 the Capitol was, however, the scene of a grisly murder-suicide. Harry Hill, an angry lobbyist, suspected that his mistress, a secretary named Marybelle Wallace, was also conducting a similar relationship with state Senator Charles W. Lyon, a Los Angeles Republican. Enraged, the lobbyist came to her office on what is now the fourth floor of the restored Capitol. Angry words were exchanged. Hill pulled out a gun and shot her and then shot himself in the head.

More than a decade earlier, a dramatic midnight explosion rocked the governor's mansion. Located a few blocks away from the Capitol, the mansion was purchased by the state in 1903 as the official residence of the chief executive. Caused by 18 to 20 sticks of dynamite, the 1917 blast ripped walls and woodwork apart "as though they were made of tissue paper," according to *San Francisco Chronicle* Sacramento correspondent J. E. Boyden, "reducing the kitchen and its contents and the basement to the consistency of confetti."

Governor William Stephens survived the blast as did his wife. "Mrs. Stephens bore the shock like a brave little woman," the governor told the *Chronicle*. "But after the first shock of excitement waved past, she collapsed."

Police believed the explosion was an attempt on the governor's life. Prompted perhaps by the rabid anti-German sentiment of World War I, investigators first blamed the blast on "a certain pro-German clique which is said to infest Sacramento." But ultimately the police arrested some 50 members of the Industrial Workers of the World, known as "Wobblies." The explosion, police said, was part of an elaborate plot to disrupt the state and bring attention to the Wobblie cause.

Only one person has died in the mansion — Governor Culbert Olson's wife, Kate, in 1939. She died of natural causes.

But the same can't be said of the bats that once infested the mansion. As difficult as it is to picture — given the button-down self-control of our current governor — there was a time when the chief executive of the state engaged in the curious sport of bat chasing.

"Governor Gillette holds the house record at 11," said Bob Russo, a tour guide at the mansion. The Gillettes, who lived in the house from 1907 to 1911, spent evenings happily evicting bats from the third floor, the governor's son recalled.

"How they chased the bats out I'm not sure." Russo said. "We know they used brooms, though."

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Governor Hiram Johnson refused to stay in the house until the bats left. His wife, Minnie, a take-charge sort of woman, hired exterminators and put an end to the problem.

Rats have been a part of Capitol life for years. Leaping from trees in the park to the roof, they scurry down vents in search of food. Their favorite haunt seems to be the sixth floor of the annex, where a popular cafeteria is located. In September, six were killed in the nearby offices of the Democratic staff of the Assembly Ways and Means Committee. The rats were lured to their death using traps baited with peanut butter.

During the same month, debate on a sweeping ethics package was interrupted on the Assembly floor when a large black rat poked its head out of a gold-leaf column in the second floor gallery. Speaker Brown rushed upstairs to negotiate with the rat but it refused to talk.

The Capitol's gargoyle is hard to spot. It is on the ceiling of the Assembly chamber. Stand at the front of the Assembly chambers and look up at the ornate ceiling. In the second row of octagons from the left, count three forward from the back — the panel features a circular pattern of prickly pear cactus — and there's the little devil.

With big bug eyes and a lolling tongue, the gargoyle is either a "signature" of one of the artists who built the Capitol or "a commentary on what the worker thought about the Legislature," said Leon Woods, the chief tour guide in the Capitol.

Woods estimates there are 100 such signatures throughout the building. Another rarely seen signature is a lion's head directly above the speaker's rostrum in the Assembly. The lion glowers down and sticks out a bright red tongue.

In the Senate, as in the Assembly, all the desks have bears carved on the front. Only one, that used by former GOP state Senator Larry Stirling of San Diego, portrays a bear with fangs bared.

Of more recent vintage is a fly drawn on the floral mural that decorates the ceiling on the first floor of the restored office of Governor Pardee. The fly was added by a waggish artist during the renovation of the Capitol in the 1970s, when the Medfly crisis was in full swing.

All kinds of historical bric-a-brac were discovered during the Capitol's restoration. Years of haphazard expansion created false walls, behind which were found workman's tools, bits of old time newspapers and scrawled graffitti.

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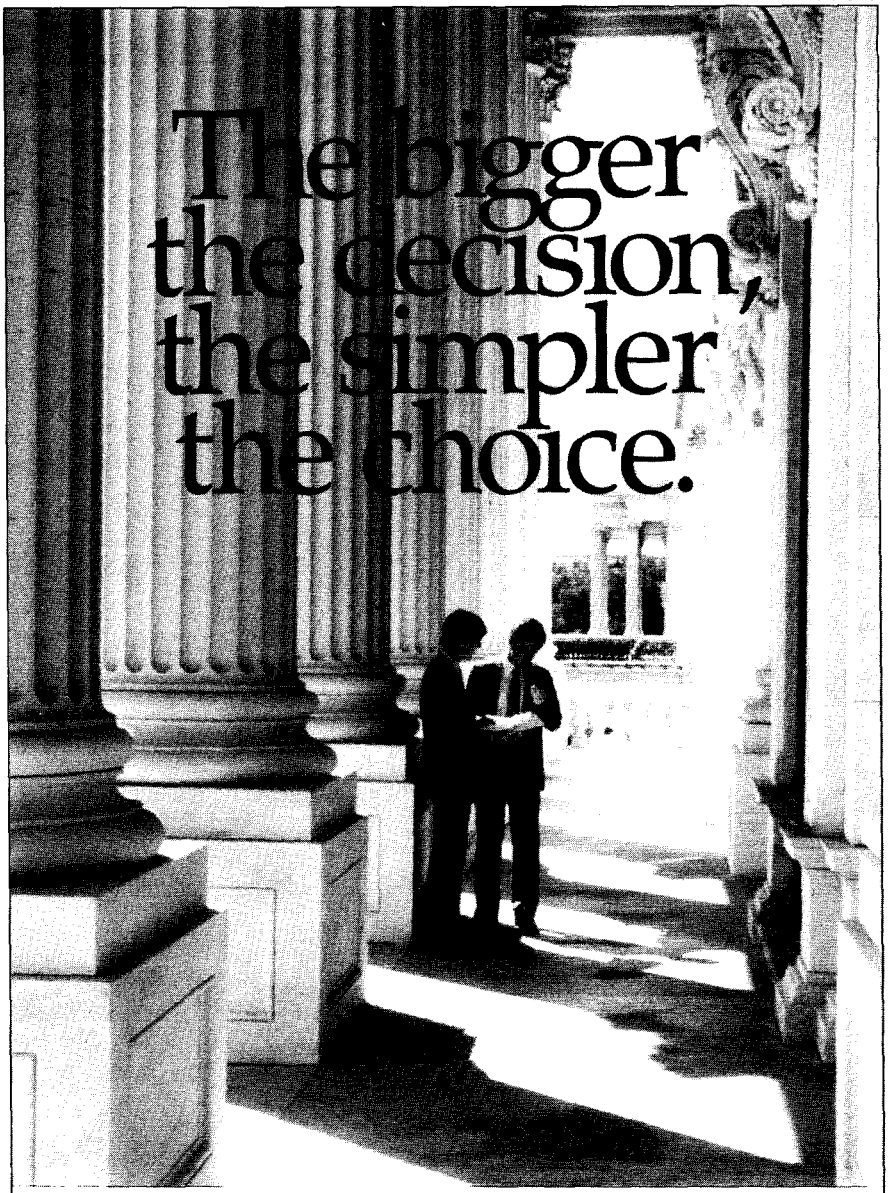

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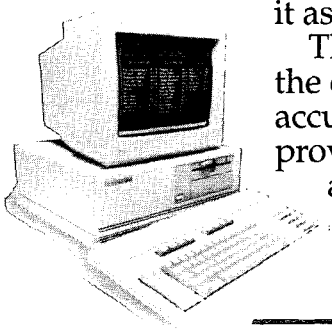

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When the gold ball on the redwood mast on the very top of the Capitol was replaced, a very tame love letter from one of the workers who had placed the mast there in 1861 was found.

Ceilings and walls aren't the only places where strange oddities are concealed. Some 22 state buildings downtown are linked by a series of tunnels that house steam pipes snaking out from the state generating plant. One passage connects the Capitol to what used to be called OB1, the first state office building constructed after the Capitol. Now the building is named in honor of the late Jesse Unruh. Built in 1923, the narrow tunnel angles across the street and ends in an empty room in the Capitol's basement, near the tour guide office. The door leading to it is labeled B23.

Across the hall from that door is the site of what was called "the well".

Now the basement room that houses the Capitol's museum, "the well" was a place where, until 1899, lawmakers could get a drink — or two or three — and unwind from a tough day of legislating. Some lawmakers began unwinding before their day was over. When sergeants-at-arms needed to find a legislator to make a quorum, they checked the well first.

The *Sacramento Bee* considered the well scandalous and recounted for its readers an incident in 1883 where San Francisco's political boss, Chris Buckley, brought "the prettiest and shapeliest" scarlet women down there.

"About 10 o'clock," the *Bee* reported, "the well was crowded with beautiful women who were largely drunk and seemed to be very much offended that they had so much clothes on. This feeling was shared by their male admirers, who kindly assisted, at various intervals of drinking, to remove their inconvenient garments."

Taking the tunnel back across the street and walking to the first floor leads to the entrance to a vault maintained by the Treasurer's Office. Behind the vault's 23-ton door is $6.7 billion in bonds and securities. Built in 1975 to replace the old vault in the Capitol, the high-tech safe has motion alarms sensitive enough to detect a fly.

Until 1975 the vault was located in the Capitol. No attempts were ever made to steal the state's assets, but around the turn of the century the son of the vaultkeeper, as a joke, snatched one of the vault guards' shotguns off the wall and pointed it at one of the guards.

"No harm done," Woods said. "The kid probably just got a spanking."

The state also maintains its own graveyard off Broadway and 10th where 22 state luminaries of the 1880s and 1890s are buried. Governor William Irwin, who died in 1886, is buried there as are a state librarian, a state controller, a state treasurer, a chief justice, several Assembly members and two secretaries of state.

E. G. Waite, whose remains are there, was secretary of state from 1891 to 1894. In life, he showed a lot of pluck. A fierce storm in 1893 began blowing some of the copper panels off the Capitol's roof. Fearful of the damage that might be caused to the interior if water poured in, Waite scrambled out on the roof with some of his staff to repair the damage.

"I went out on that roof when the wind blew a hurricane and had timbers spiked down upon it," Waite wrote a friend. "But I did think my clothes would whip me to death or that I would be blown to Marysville without any stopover privileges."

But perhaps the best known secret in the Capitol is that there are two domes. Standing in the rotunda and looking up, visitors see the top of the inner dome. But there's another world beyond that. A locked door at the top of the stairwell that connects the old Capitol with the annex is the entrance to the outer dome. Steep stairs lead up to the first circular colonnade. Another stairway sweeps up to the top of the inner dome. From there a shaky spiral staircase curls 90 feet to the cupola. Thin steel cables shudder and twitch from a walker's weight. The flutter and rustle of pigeons can be heard from outside the stern granite walls.

Past visitors, including Clark Gable and Governors Pat and Jerry Brown, have scratched their names in the walls. A heavy trap door at the top of the stairs leads to the cupola, the highest point in the Capitol and a dizzying 250 feet from the ground. Closed to the public since 1949 for safety reasons, the cupola has in more recent times been the occassional location for some "extracurricular activity," several lawmakers said.

But it's the servants stairs in the governor's mansion that have the spookiest past. Earl Warren Jr., the former governor's son, lived in what had been the servants quarters. He recounts a story of one night being home alone and hearing footsteps on the stairs. The steps ended in front of his closed door.

Warren called out. No answer. Then he went to the door, opened it up and no one was there.

"It happened several times over a three-hour period," said Russo, the mansion tour guide. "It finally stopped when the family got home."

Like most great ghost stories, no one is sure what caused the noises on the stairs.

"But on two separate occasions," Russo said, "there were psychics who came through the mansion and said they felt a cold spot there on those stairs."

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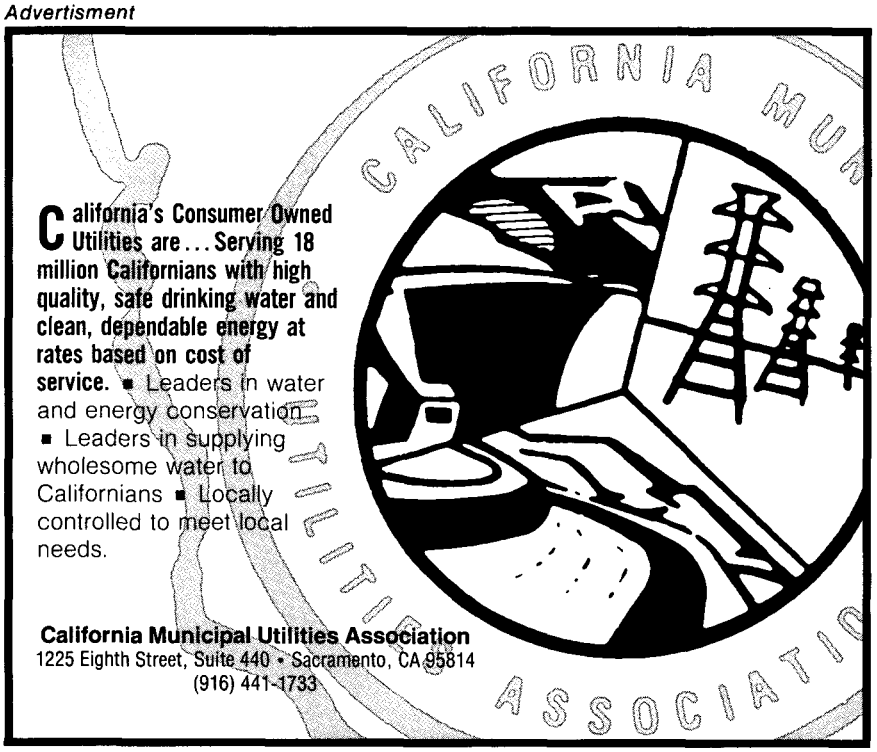
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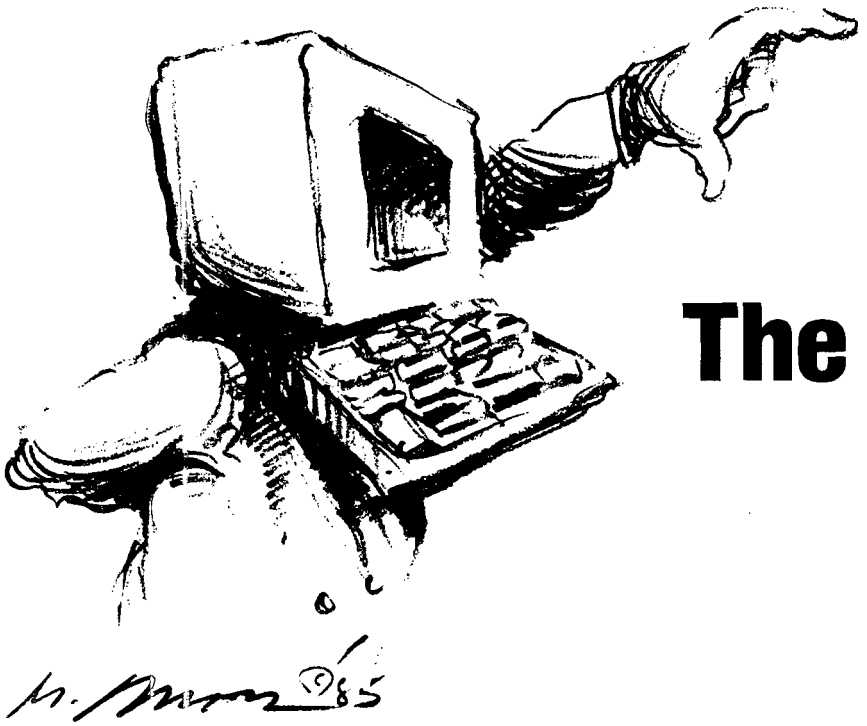

The Legislature powers up

By Beth Gaston

Joseph Ryan, administrative assistant to Assemblyman Norman Waters, bleeped the constituent's file onto his computer screen. According to the file, the constituent had a history of contacting Waters' office. In the past, he had called about such things as veterans' rights and the flag-burning issue. This time, he was having problems getting a Cal Vet loan. Ryan, cradling the telephone between his chin and shoulder, scanned through the file, absorbing some institutional memory. Now and then, he referred to the constituent's previous contacts, sounding as though he personally remembered everything.

Ryan then switched to another program, filling the screen with blanks for the constituent's name, problem, comments, action taken, and date. "This is so if I'm not here and they call again, even to another district office, the case can be called up to see what's been done," Ryan explained.

When he finishes a call like this, Ryan calls up a word-processing program, automatically printing out an envelope and a salutation. Ryan can then pull up a stock letter, write his own from scratch, or paste standard paragraphs (such as a generalized opening or conclusion) into his own creation, and immediately send the letter to the printer. No secretary has to type and file, no one has to set the margins or type the envelope; it's done automatically.

Continued on next page

Beth Gaston is a freelance writer from Sacramento.

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Photo by Rich Pedroncelli

Chuck Dalldorf at work on a computer in Speaker Brown's Capitol office.

"We're very busy and overloaded, and this is a great tool," explained Ryan.

Welcome to the age of computerized constituent services.

Picture, however, another scenario.

An assemblyman wants to blitz his district with 2000 letters explaining his stand on various issues. Unfortunately, voters decided with the passage of Proposition in June 1988 that they didn't want state elected officials sending out mass-mailed newsletters at taxpayer expense. Thus, the law — as defined by Proposition 73 — restricts lawmakers to sending out no more than 200 pieces a month of any one letter.

Enter Monarch Software.

Monarch, a Southern California software company with ties to Assemblyman Tom Bane, a Tarzana Democrat who heads the Rules Committee, has a program that, in effect, allows any Assembly member to draft 10 issue letters and send each version to 200 different constituents. Presto! A mega-mailer that delivers the office holder's thoughts to 2000, not 200, voters. Monarch officials credit this innovation with helping it corral over 75 percent of the Assembly as customers, despite having five competitors vying for business among the 80-member lower house.

Like we said, welcome to the age of computerized constituent services.

Not that computers in the Capitol are a recent innovation. The Legislative Counsel first began investigating the use of computers way back in 1972. Five years later, a huge IBM mainframe computer went into service for automated bill-drafting, accounting and payroll functions. In 1981 newly-ordained Assembly Speaker Willie Brown Jr. decided to computerize members' offices as well; the Senate followed his lead one year later.

The job of computerizing the Legislature initially was handed over to the Legislative Counsel in 1981 and was completed a year later, with all Assembly and Senate offices patched into a large IBM mainframe computer. Each office was equipped with terminals that fed off the mainframe. In 1983 the Legislative Data Center was created to take over the computer operations from the Legislative Counsel.

Like everything in the world of computers, developing technology rocketed past the Legislature; three years after it was installed, the Legislature's IBM mainframe was deemed to be obsolete. IBM itself was no longer developing software or improving hardware for the system. The system had become a dinosaur.

The competition to replace the system was characterized by Bob Connelly, chief administrative officer of the Assembly Rules Committee, as "elaborate, complex, time-consuming." When the process was complete, the Legislature had abandoned the notion of one mainframe and settled instead on smaller "mid-frame" systems from Digital Equipment Corporation (DEC). Now, instead of being linked into and dependent upon one huge computer, each office has its own hardware, five to eight terminals, and printers. The entire network is also tied into a large DEC mainframe that can monitor each office. In addition, the new DEC and old IBM mainframes "talk" to each other in such a way that a legislator or staffer may go from one system to another easily and from the same terminal.

The new system was installed first in district offices, with the job finished by mid-1986. Once that job was complete, the system was put into Capitol offices. Senate district offices also have the new equipment, while Senate Capitol offices will be equipped with DEC computers by early 1990. The old IBM mainframe is still in service for bill drafting and bill tracking.

The Assembly Office of Information Services was created in 1987 to provide support services for the lower house, while the Legislative Data Center provides support services for the Senate and joint committees. There is, however, a bit of jealousy and guarding of territory between the two.

Over the past three-plus years, it has cost the Assembly Office of Information Services about $15 million dollars to install, equip, operate and link the system. Operating costs for the AOIS will run about $8 million per year. The Legislative Data Center spends approximately $15 million annually, which includes mainframe support for the Senate and Assembly, full support for the Senate, and service to the joint committee offices.

In addition to their Capitol offices, all legislative district offices are laced into the network, as well. In fact, all state legislative branches are involved. High-volume trunk lines run between Sacramento, Oakland and Los Angeles and leased telephone circuits tie individual district offices to the three hubs.

Within Sacramento, fiber optic lines run between the Legislative Data Center and the Assembly Office of Information Services, the State Capitol, the Legislative Counsel and the Legislative Analyst. Leased phone lines also connect Senate offices, the Auditor General, and other users of the system.

The fact that all the offices and mid-frames are linked together through a mainframe computer means that electronic messages and data files can be sent among legislators, and information generated in Sacramento can be called up by the legislator, or the legislator's staff, in the district office.

For example, the Legislative Information Services (LIS) compiles and stores information in the mainframe on the complete text of bills, bill status and history, committee analyses, floor and committee votes, *ad infinitum*. The system is updated every 20 minutes with new bill analyses, 30 minutes with bill status, and nightly with votes.

All this information is also available, instantly, at each district office. Thus, a constituent calling the district office can obtain an up-to-the-minute status on legislation instead of waiting

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for four or five days for the requested information to arrive by mail.

"District offices used to be like toadstools: kept in the dark and fed bullshit. Now they have data *immediately*," said Bob Connelly of Assembly Rules.

Joe Ryan of Assemblyman Norm Waters' office also praised the speed of the system. "If somebody calls in and asks what's the status of a bill, instead of me having to call down on the phone and hope somebody's not too busy, I can do this," he said, pushing a button and calling up the relevant data. "I can tell where it is, when it's been amended and make a copy and mail it out today."

Many members use the equipment themselves. Sacramento Republican Tim Leslie said: "It [the computer system] seems pretty nice to me. It's a tool to use and it works and I use it." He uses the computers to look up histories and language on legislation, to draft letters, and send messages to the district offices.

Republican Assemblyman Tom McClintock of Newberry Park also praised the system. "It's a great boon to our office and to me personally," he said. McClintock said the computer system is used for "written communication between staff, and I do much of my own writing on the computer. It reduces the need for secretarial support."

And for some key issues, standardized letters may be immediately printed and mailed. "Like flag burning," said Ryan. "People called and called and called." He developed a letter explaining Assemblyman Waters' stance and gave it a file number. When people called with questions, he could instantly mail them a letter.

Not everyone is enamored of the system, however. Peggy Lusk, committee secretary with the Water, Parks and Wildlife Committee, believes that, despite some advantages, the system is too sophisticated. "I feel we don't need a computer, we need a computerized typewriter," she said. The computers offer "too many menus, too many options. We just need something simple like we had in the old system." Lusk also complained that there are two different help desks. "If it doesn't work, you have to decide which help desk to call. It's confusing and frustrating," she said.

However, the system is unique not because of its programs but because of the way it is patched together, said Bill Eubanks, director of the Legislative Data Center who first came on board way back in 1972. "There's no other state with the same degree of sophistication or is even close, not even on the national level. California has an unparalleled system in legislative arenas."

Why all this firepower?

With the power of linked computers, research offices as well as individual legislators can take a specific bill and ask the computer to set up various models to judge the bill's impact on a given district. For example, an assemblyman can determine the effect of a tax bill on Riverside County, or of an education bill on a special school district. According to Bob Connelly, when legislators vote on, say, revenue bills, they need to know how much money will be generated, how it will be spent, and how the tax will benefit or burden his or her district.

The Legislature has always tried to determine how a bill impacts a district, said Connelly, but, "we can do better with computers." He believes that with increased computerization, less time will be wasted ironing out glitches in bills. With more than 5000 bills introduced each session, a decrease in time spent on revising each bill is important, said Connelly.

Hardware — mainframes, terminals, midframes, *et cetera* — is just so much sophisticated-looking junk without software programs. And it is the software that has generated the most controversy over computerizing the Legislature.

Currently, Assembly members can choose from among six software packages, designed and sold by six different manufacturers for what is called "constituent correspondence services." DEC originally sold word-processing programs along with their computers, but in 1987-88 the Assembly began a bidding process to expand the system. Connelly said the number of companies was a result of groping in the dark. "We were new; we didn't know what we needed," said Connelly. The Senate has not yet selected this type of software program.

The Assembly decided to allow the software companies to come up with their own packages and present them to Assembly members. The members could then choose a package. The six software companies are Monarch Constituent Services, LSW Incorporated, Aristotle Industries, Public Office Systems, Micro Research and Scientific Market. The first three, however, share nearly all legislative contracts, with Monarch having the lion's share.

All six programs are loaded into the DEC mainframe. When a legislator selects one of them for his or her office, the appropriate program is transferred into that member's office midframe. The company is then paid.

And therein, so the story goes, lies a rub. Most Democrats initially chose Monarch. Monarch president David Shulem has close ties to Democratic Assemblyman Tom Bane. The Rules Committee Bane heads decides what computer equipment and software the Assembly will purchase. In fact, Bane's wife, Marlene, once owned a 25 percent interest in Monarch's parent company — Data Plus Imagination. Shulem has worked on Bane's campaigns. Bane said that his wife sold her Data Plus stock in 1986 for the same $1700 she had paid for it.

Perhaps because of these political connections, the Democrats in the Assembly chose Monarch software, while Republicans initially chose LSW. Several Republicans, however, have since switched to Monarch.

LSW spokesman Nick Brixisus said his company is not aligned with any political party but "got in a situation in California where one of the companies [Monarch] was already aligned."

Monarch's chief financial officer, Jeff Shulem, claimed that originally 90

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percent of the Assembly members were going to buy Monarch systems, but that Republicans became nervous over the Monarch-Bane connection. As a result, said Shulem, the GOP caucus issued an edict that its members had to use LSW. Shulem also said that many Republicans are shifting to Monarch: "Republicans got wise and the caucus decided they made a mistake in choosing LSW and made another choice."

And the mistake?

Monarch, it seems, will help a lawmaker comply with the letter of the law set down in Proposition 73 regarding the size of a particular mailing. LSW, on the other hand, doesn't offer this flexibility.

Said Jeff Shulem of his company's serial-letter program: With the Monarch program and "with 10 significantly different, I emphasize *significantly different*, letters in one mailing, you can produce 2000 letters at once." The program will rotate the 10 stock letters through a constituent mailing list. For example, constituent one would get letter one; constituent two, letter two; and so on, until constituent 11 gets letter one; and the cycle begins anew. "It's getting around doing 10 separate mailings," said Shulem.

No one seems able to give a correct accounting of just how many lawmakers use which software programs. According to Shulem, "Close to 60 of 80 Assembly members use Monarch, and we anticipate getting all the LSW contracts." He said the upcoming election year should be favorable to Monarch because lawmakers will be "busy getting the vote out, basically advertising — well, doing constituent work."

John Phillips, president of Aristotle Industries, said his company is the largest supplier of software in many states, and is "battle tested" so glitches are ironed out. Despite its national size, Aristotle is not a major supplier to California legislators. The exact number is "proprietary information," said Phillips, but Connelly said the number was "about 10 or 12."

LSW's Brixisus said "approximately 23 or 24" members use his company's software, admitting that LSW is losing users in California. LSW does not offer a serial-letter program and, in fact, offers one to help members abide by Proposition 73. In August, said Brixisus, LSW shipped a program that allows an office to monitor the number of unsolicited letters of a given type, gives a warning when the 200 limit is near, and stops sending the letter when the limit is reached. That software has yet to be installed on the DEC computer, although Brixisus said he is not sure why.

Extensive testing, said Connelly. He said any delay is usually due to extensive testing that must be done before any program is introduced into the system. "We want to make sure that we don't turn the lights out in San Jose," he said, noting that a new program can interact with other software in unexpected ways.

But the Monarch software has generated controversy. Some believe its capabilities are helping legislators find creative ways to thwart the intent of Proposition 73. According to a November 13, 1989, editorial in *The Sacramento Bee*, Sacramento Democratic Assemblyman Phil Isenberg has already sent out more than 110,000 pieces of mail this year. Assemblyman Leslie has poured out 43,306, according to a survey by the *San Jose Mercury News*.

"What *The Bee* was talking about was absolutely legal," said Bob Connelly. "It's unfortunate they called it 'mass mailings.'" The Fair Political Practices Commission has interpreted Proposition 73 to mean that no more than 200 substantially similar letters be sent out in a month. Just what that phrase means, however, has yet to be defined.

With all this informational power at their hands, is it possible for legislators to abuse the system? Could it be used for campaign or self-promoting mass mailings? Can information be processed at taxpayers' expense and used for personal endeavors?

"Can they do it? — certainly. Do they do it? — maybe, but I don't think so," said Connelly. He said that the AOIS can monitor how much information passes through the trunks and cables, "not what, but how much," and any odd findings would be investigated.

"It's not often that misuses come to light," said Bill Eubanks.

Connelly believes if a legislator printed campaign mail on a state-owned computer, constituents, opponents and employees would be aware of it. The resulting embarrassment — adverse publicity, an FPPC investigation — should deter such abuse of the system, he said.

When asked if it would be possible to "steal information" — such as demographics and mailing lists — about a constituency, take the information off site and use it for campaigning purposes, Connelly responded that most of the terminals in legislators' offices do not have the capability to transfer such information onto disks.

"You cannot download information to take it off site unless it's printed out," Connelly said, adding that it would be cheaper and safer to buy prepared lists from places such as the DMV or the Department of Consumer Affairs — "there's a bunch of information already out there."

District offices do have the ability to catalogue people who contact the office by their issues of interest, but this information has to be hand-entered one constituent at a time. It can't be collected from mass-mailing lists. From these district offices, letters for these special interest groups can be mailed, but, here again, the legal limit of less than 200 letters on the same subject applies.

Some computers do exist with the capability to download onto disks, but Connelly said that most are not in personal offices, but in the hands of committees. Of course, those committees are controlled by Democrats. But Connelly said that abusing the system on a regular basis in the Capitol is asking to be caught.

Also, it would be difficult for somebody to hook up his own equipment to the office-level mid-frame. Not only would such a hook-up require technical expertise, a scanner periodically sweeps all the equipment and can determine if something has been changed. Said Connelly: "It would show on the utilities sweep; we'd have red lights, whistles and bells, and we never have." The scanner can determine if anything is missing or altered in the system and notifies the data center in Sacramento.

For example, Connelly told of one instance when a thief stole a terminal from what he thought was a San Francisco office. The computer center in Sacramento was the first to know that the equipment was missing. The thief, probably believing he or she was stealing a personal computer, stole a dumb terminal, which was found discarded several blocks away.

The computer system is large, powerful and expensive. It allows immediate access to valuable information, helps the staff in district offices answer constituent concerns, and ideally, should help legislators and committees model the full effect of legislation before passage, eliminating time wasted on revisions.

However, the power may be misused. The ink was barely dry on laws created by Proposition 73 before legislators found ways to skirt them, aided by the sophistication of computer software. Computers are a tool — they do not work themselves — and their effectiveness depends on how, and for what purpose, they are used.

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SAN FRANCISCO'S MAYOR

Quake shakes Art Agnos to the top

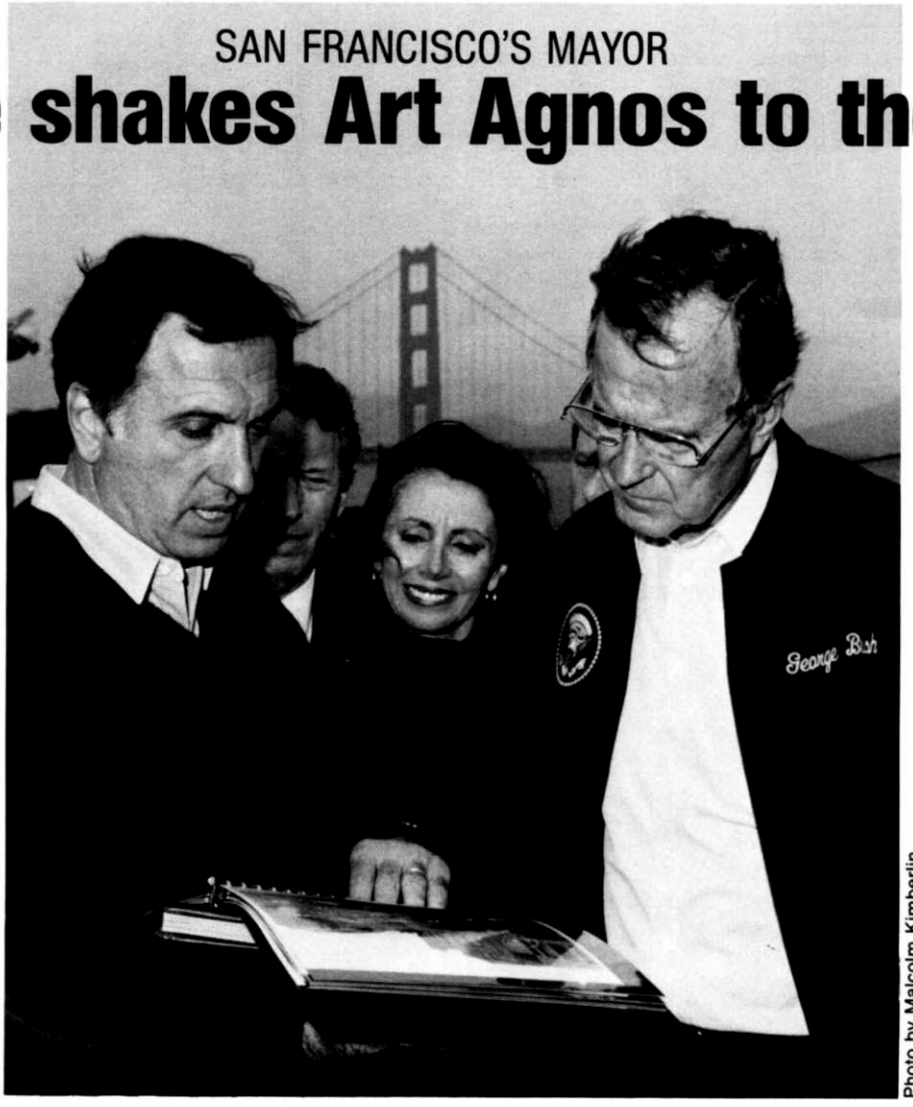

Photo by Malcolm Kimberlin

By Susan Yoachum

The second time around — the time the San Francisco Giants and the Oakland Athletics actually got to play the third game of the World Series — San Francisco Mayor Art Agnos was invited to appear on ABC's pre-game show. The first time, ABC had passed on interviewing the San Francisco mayor; after all, the World Series is a sporting contest, not a political event. Right?

Right. But that was before the October 17th earthquake changed the landscape of the Bay Area, including the political one. As ABC recognized, the earthquake had damn-near made Art Agnos a household word.

"He's a man in demand," said deputy press secretary Scott Shafer.

In this case, the supply — Agnos — has met the demand, with the demand being almost everywhere, from Japanese newspapers to San Francisco radio talk shows to national network TV.

First, you'd see Agnos, holed up at the city command post — no, there's Agnos, touring the earthquake-shattered Marina District — no, here's Agnos again, back in his office, meeting with Governor George Deukmejian. Even to the reporters covering him, it seemed that Agnos popped up all over his earthquake-stricken hometown.

San Francisco Chronicle columnist Herb Caen had once dubbed Agnos "Art Agnonymous" for making himself scarce in public. Starting at 5:04 p.m. on October 17th, Agnos went from anonymous to omnipresent; when he wasn't running city operations, he was on TV, and when he wasn't on television, he was being interviewed on the radio.

Even Democrat Agnos' much-publicized tiff with Republican Vice President Dan Quayle didn't seem to damage the mayor much. In case you missed it, Agnos complained, a bit petulantly, that he was "ticked off" at Quayle for being "15 blocks from the city command center" and never dropping by to pay Agnos a call the day after the quake. Quayle's staff and presidential spokesman Marlin Fitzwater stuck up for their man, saying, a bit self-righteously, that Agnos wouldn't return Quayle's phone calls.

However, two days later, President Bush didn't snub Agnos; the two men sat knee-to-knee in Bush's helicopter as it repeatedly circled the collapsed deck of the Bay Bridge and the badly scarred Marina District. And two weeks later, even Marilyn Quayle, who visited Agnos in San Francisco, sought to put the spat between the mayor and her husband to rest.

But, characteristically, it was Agnos himself who perhaps most deftly handled the problem. Five days after the quake, on ABC's "This Week With David Brinkley," Agnos,

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Susan Yoachum covers San Francisco for the San Jose Mercury News.

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predictably, was asked about the Quayle flap. And he was ready, with a quote from his 81-year-old mother, who lives in the Marina. "It's small potatoes," Agnos quoted his mother as saying, in what sounded like a faithful and respectful rendition of her Greek accent. Then, for emphasis, he added, "Small potatoes."

The Quayle pop-off notwithstanding, Agnos' political stock has soared, virtually overnight. Polls by the *San Francisco Chronicle*, the *San Francisco Examiner* and the Field Institute show Agnos with overwhelmingly favorable ratings and name recognition. Agnos, who was criticized at the start of his administration two years ago for being camera-shy, has become an instant media hit and an attractive prospect for statewide office.

"Art Agnos? You mean the star, the rising star?" Mark DiCamillo, managing director of the Field Poll, said — only half in jest.

In earnest, DiCamillo said a recent Field Poll survey shows that "There is reason to feel that Art Agnos has benefited greatly by his performance during the earthquake. His political stock is in good repair."

A more partisan observer, Agnos' political adviser Richie Ross, said, "As I'm fond of calling my friend, Senator Agnos ..."

And a political consultant from the other side of the aisle, Republican Sal Russo, also praised Agnos' handling of the second-worst earthquake of the century. "What the earthquake did was to give him a platform, and people got a good dose of him," said Russo, a former Deukmejian adviser. "In California, there are so many other distractions — the weather, the recreation, the beauty — that it's hard to get inside the public's consciousness, and Art did that. People got a good feeling in their gut about him."

Agnos himself is sanguine about the effects. "What has surprised me the most is that, suddenly, people think I'm doing well when I'm doing the same things in my second year as mayor that I did in my first year," Agnos said. "People where watching me because of a tragedy, a natural disaster that put me on center stage. I haven't changed anything about the way I do things. It's just that before, I didn't have Sam Donaldson and *Newsweek* following me around."

At least for now, whatever Agnos did before October 17th doesn't seem to matter much. He was there — in a big way — when it counted, and the glow hasn't yet subsided.

In a way eerily reminiscent of the way former San Francisco Mayor Dianne Feinstein took charge and calmed the city 11 years ago when then-Mayor George Moscone and Supervisor Harvey Milk were gunned down in their offices, Art Agnos is in command.

San Francisco, which had rejected Feinstein at the mayoral ballot box before the Moscone-Milk slayings, embraced her after her show of strength following the murders. She beat back an ill-conceived recall attempt by more than 80 percent of the vote and easily sailed to reelection before the city charter dictated that she had to leave office. With her San Francisco exposure, Feinstein also emerged as a leading contender for the Democratic vice-presidential nomination in 1984 and was quite a media darling herself during the 1984 Democratic National Convention in San Francisco.

Even her enemies, to this day, credit her with soothing the city in a time of crisis, while public nerves were still raw from the horror of the mass suicides of the followers of People's Temple leader Jim Jones in Jonestown, Guyana. Although Feinstein's voice quavered when, as the then-president of the Board of Supervisors, she made the shocking announcement that Moscone and Milk had been shot to death

by former Supervisor Dan White, she rarely faltered in the public eye.

Agnos, it seemed initially, was going to have a tough time measuring up. Although he had coasted into office on an unexpected landslide, it didn't take long for the former assemblyman's political fortunes to shift. In Agnos' first week on the job, he got a double dose of bad news. First, a federal judge said racism was rampant in the city's fire department, which the judge denounced as "out of control." Then came the real blow: Feinstein, for all her public relations wizardry, had left the city — and Agnos — with a $172 million deficit.

The staggering shortfall meant that the public's first glimpse of their new mayor was of someone who had to slash city services to make ends meet. Unlike Feinstein, he didn't hold many news conferences — at first. Where Feinstein was quick to declare her "outrage" over a problem and to announce her intention to deal with a situation, Agnos was — to some — maddeningly methodical.

The mayor was, in fact, plodding along, putting out brush fires, when the "great opportunity" of his short tenure beckoned. As Feinstein had before him, Agnos got bitten by the baseball bug. With some help from his political advisers, Agnos concluded that keeping the Giants from moving out of San Francisco might just keep voters from moving away from him.

Just weeks after weathering bad press and poor reviews for letting the homeless set up camp in the park across from city hall, Agnos scored a coup — Giants' owner Bob Lurie announced that he was scorning the offer of a stadium in the South Bay in favor of a new, 45,000-seat ballpark in San Francisco. All that was really lacking, Agnos and Lurie explained, was the endorsement of San Francisco voters.

Now, while Sacramento and Oakland are selling the farm, their souls and anything else they can find to lure the Raiders' football team, getting voter approval to build a baseball stadium might sound like a sure thing; and it probably would be, almost anywhere but in San Francisco. But San Franciscans are a fickle lot and, having turned down a proposed Giants' stadium in 1987, they weren't going to be easy to persuade.

Agnos seized the challenge, promising to campaign as if

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the ballpark campaign were his own, and pundits predicted that the outcome of the stadium effort might, indeed, be a portent of Agnos' own political future.

No one could have foreseen that a tragedy of 7.1-Richter-scale magnitude would rock the Bay Area three weeks before the November 7th election. And no one, except perhaps Agnos and those closest to him, could have predicted how well the mayor would rise to the occasion.

Suddenly, surprisingly, all bets were off when it came to the stadium vote, Proposition P, and the effect it was expected to have on Agnos' political future appeared minimal.

"The Prop P fortunes cannot and could never have measured up to the level of scrutiny and level of attention being given to Agnos since the earthquake," said the Field Poll's DiCamillo. "A majority of the Southern California public now knows who he is, and although we did our poll statewide, not nationwide, I would suspect that he now has a relatively high degree of identification nationally."

Joe Cerrell, a Los Angeles political consultant, a longtime Democratic strategist and the chairman of the American Association of Political Consultants, said Agnos has become a star in media-saturated Southern California.

"They saw him on 'Nightline,' and they loved it," said Cerrell. "'Art Agnonymous' has become a pretty big name in Southern California, and people keep asking me if I know him."

Cerrell, in fact, has known Agnos for years, ever since Agnos went to work for then-Assembly Speaker and now-Lieutenant Governor Leo McCarthy. Agnos was a social worker by background and no stranger to tragedy of his own, having been a victim — but gritty survivor — of a random shooting on December 13, 1973, by the Zebra killers, who terroized the city by picking out strangers to shoot.

In 1976 Agnos went into politics on his own, winning election to the state Assembly, where he served for 11 years before being elected mayor of San Francisco. In Sacramento he was a popular and productive legislator whose liberal philosphy didn't stand in the way of his compromise with conservatives over the state's workfare program.

The son of Greek immigrants, Agnos spoke Greek until he started public school. Agnos in many ways is the embodiment of the American dream. He often refers to himself as "the Greek kid," and he is known for walking up to people he knows — as well as those he doesn't — and sticking out his hand, saying "Hi, I'm Art Agnos. Democrat."

Still, Agnos can have a short fuse, (or, as one friend described it, "Hot-blooded Mediterranean heat") as was evidenced during the flap over Dan Quayle. This temper also flared just before the recent Proposition P stadium vote when he demanded apologies and charged that out-of-town interests — specifically, Gregg Lukenbill, a Sacramento developer and owner of the Sacramento Kings basketball franchise — were corrupting San Francisco politics by directing hidden money into the campaign to defeat the stadium. Lukenbill denied any involvement.

Agnos has also made some powerful enemies over the years, including independent state Senator Quentin Kopp, a former San Francisco supervisor, whose silence on the stadium issue, some said, helped shove it along the road to defeat. Several observers indicated that Kopp, an avid sports advocate who helped bring a Super Bowl to the Bay Area during the 1980s, was silent because he disliked Agnos. Kopp said he was silent because he disliked the proposal.

Generally speaking, however, Agnos gets along with Republicans as well as with Democrats, and he has a genuine sense of humor and set of personal and public values. His political future, particularly in light of his performance during the earthquake, appears bright.

"Art has some some attractive features," said Republican strategist Russo. "He cares very much about the issues; he's honest; he's decent; he has a very nice wife and lovely family.

"His biggest problem as a statewide candidate would be that his liberal political philosophy is not in vogue in the state right now," said Russo who, like consultants Cerrell and Ross, professes personal fondness for Agnos.

DiCamillo said recent polls would indicate that Agnos is well-positioned to run for statewide office, if he chooses. "With the majority of the Southern California public now knowing who he is, there are a number of slots he could run for in 1992 and beyond," DiCamillo said.

Ross, the architect of Agnos' stunning mayoral upset win in 1987, said there's no doubt in his mind that Agnos will opt instead to run for reelection in 1991. Agnos also says he'll run for reelection but, beyond that, he isn't sure. And a fellow mayor and San Francisco businessman, Sunnyvale Mayor Larry Stone, warns that it is still too early to judge what the political aftershocks of the earthquake may be.

"Art's performance during the earthquake definitely enhanced his relationship with voters," said Stone, who lost out to Agnos when the two were bidding for a new Giants' stadium. "But oftentimes, the problems created by earthquakes are far-reaching and long-term, and it remains to be seen what the far-reaching effects of that on Art Agnos' political future will be."

Agnos himself is acutely aware of how quickly political fortunes can change. "This job is a roller-coaster, and events can turn around very quickly because of circumstances beyond your control."

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Photos by Rich Pedroncelli

Democrat Lucy Killea

The 39th S

Can Luc beat the odd

By Joh

Lucy Killea likes to call herself "a Democrat with a small 'd'" these days. The veteran San Diego assemblywoman wants to find out if there are enough Republicans with a small "r" out there to elect her to one of California's most conservative state Senate districts.

Killea is probably the only Democrat on the scene who can prevent the December 5th special election in the 39th Senatorial District from being a coronation for first-term Republican Assemblywoman Carol Bentley of El Cajon. With only two candidates on the ballot, the race will be decided without a runoff. Both candidates have a free ride.

The 39th District seat opened up in late September when Governor George Deukmejian appointed San Diego Republican Larry Stirling to a municipal court judgeship (see "A senator resigns," *CJ*, November 1989).

That Killea has made the race to succeed him a contest at all is testimony to her popularity and carefully cultivated image of nonpartisanship. For her to actually win would be an upset with a capital "U."

If Killea accomplishes that upset, an important factor in her victory may be her pro-choice stand on the abortion issue. Her opponent, Bentley, has staked out what she calls "the middle ground" on abortion — pro-life except when the mother's health is threatened. In light of the impact of abortion on other races nationwide in 1989, Killea decided early on to make her pro-choice position clear in low-key television commercials.

But those ads riled the Catholic bishop of San Diego — Leo Maher — who on November 16th banned Killea, a Catholic, from receiving Communion because she favors abortion rights. The bishop's sanction, believed to be the first of its kind against a public official, propelled the race onto the na-

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John Marelius is a political writer for the San Diego Union.

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ate District

y Killea
s once more?

Marelius

Republican Carol Bentley

tional stage. And in an irony apparently lost on Bishop Maher, the sanction may actually provide a welcome boost for Killea by driving all other issues out of the campaign with only three weeks left before voters go to the polls.

Killea needs every boost she can muster, and voter registration figures demonstrate the daunting odds against her. In the 39th District, 50 percent of registered voters are Republicans and only 38 percent are Democrats. Even if the numbers were reversed, Republicans would count the seat as being rightfully in their column.

Of the 24 Democrats in the Senate, none represents a district where there is a Republican plurality. Only two — Robert Presley of Riverside and Gary Hart of Santa Barbara — represent districts where the Democratic registration is less than 50 percent.

Stirling himself had only token opposition in 1988 when he moved to the Senate from the Assembly to succeed retiring Republican Jim Ellis. Nor had Ellis been seriously challenged for the seat in this decade.

The 39th District is bisected by Interstate 8, from funky Ocean Beach through the suburban sprawl east of San Diego to the Imperial County line, about half way to Arizona. Creative Democratic cartographers drew the district to bring in Republicans from miles around — the ritzy Point Loma peninsula and Coronado island to the vast expanses of rural pick-up truck country from Ramona to the Mexican border.

Less than half of Killea's 78th Assembly District, centered in downtown San Diego, is in the 39th Senate District. Bentley's 77th District, based in the rigidly conservative suburbs of El Cajon and La Mesa, is entirely within the district and has historically been considered its power base.

In El Cajon and points east, they don't usually have much use for Democrats. And they don't usually have much use for big-city politicians. Bentley demonstrated that fact last year in the Republican primary for Stirling's old Assembly seat when she defeated San Diego City Councilwoman Gloria McColl in what was widely considered an upset, in the big

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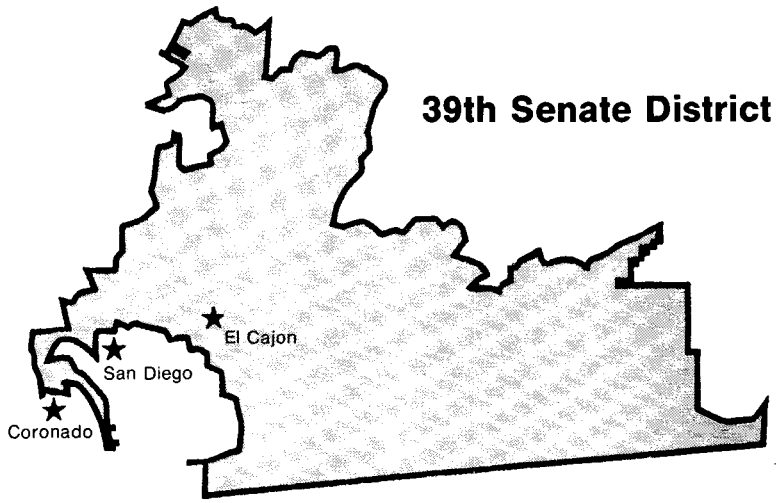
city at least.

The odds against a Democrat winning the 39th District are so formidable that Killea's first reaction when Stirling's judicial appointment was announced was to take a pass while Bentley all but announced her candidacy as soon as she heard the news.

"I don't have any burning ambition to go to the Senate. It's the same job, but a little different setting," Killea said at the time. She joked that, at 67, "I'm too young to run for the Senate."

It didn't take her long to warm up to the idea, but more than a few observers wondered why. One who did not question Killea's sanity was no less an authority on 39th District politics than Stirling. Although Stirling handicapped Bentley as the favorite to succeed him, he said Killea would have "at least an even shot" because of her reputation for moderation and the unpredictable nature of special elections.



For one thing, feminist and abortion-rights groups, buoyed by their success at helping Republican Tricia Hunter win the recent special election in the overlapping 76th Assembly District, are primed for another opportunity to flex their newfound muscle.

"We've proved that Democratic pro-choice voters will switch and vote for a Republican and we'd like to try out the reverse," said Robin Schneider, Southern California director of the California Abortion Rights Action League. "Polls around the country show that pro-choice young Republican women are willing to desert the Republican Party for a pro-choice Democrat, especially a woman."

Although Killea has a pro-choice voting record, she has never been a crusader on the subject. But the issue's potential impact was not lost on Killea as she cited abortion as "the most profound example" of the differences between her and Bentley when she formally announced her candidacy.

The issue's potential impact was not lost on Bentley either when she announced her candidacy on a platform at the El Cajon trolley station. The Republican did not bring up the subject, and when asked about it she launched into a rambling discourse about crime, drug abuse, transportation and education.

Asked later why his candidate ducked the question, Bentley campaign consultant David Lewis said, "That wasn't ducking. That was diversion." Lewis conceded, "She's not on the best side of the issue, no."

Bentley describes her position as "sort of between pro-life and pro-choice." She says she considers a fetus to be "a life" and would permit abortions only in cases of rape, incest or where "the physical health of the mother" is at stake.

An outsider's first impression might reasonably be that Killea is the Republican and Bentley the Democrat, judging solely from their style and appearance.

Bentley, 44, is as outspoken and aggressive as many of her female Democratic colleagues. At 67, Killea looks the part of the kindly grandmother and would blend right in at a Republican women's club luncheon. "She walks into the chamber of commerce with her handbag and she's one of them," said one Republican political operative.

It's not just appearances.

Although Killea generally has a Democratic party-line voting record, she steers clear of the partisan combat in the Legislature. She devotes much of her legislative effort to issues such as drug enforcement and recycling that have bipartisan appeal.

Killea's appointment to the San Diego City Council in 1978 was engineered by prominent Republicans, among them then-Mayor Pete Wilson. When she was elected to the Assembly in 1982, Killea carried much of that local Republican backing with her, much to the dismay of Sacramento Republican leaders.

In last year's 77th Assembly primary, Bentley flaunted her partisan credentials to run as "the real Republican" against San Diego Councilwoman McColl. Now, that slogan has been recast as "real experience" — something of an irony, considering Bentley has had barely 10 months in elective office and Killea more than 10 years. The "real experience" Bentley boasts of is 16 years as an administrative assistant in the 39th District for Ellis and his predecessor, Jack Schrade.

"I don't know what she's talking about," says Killea, master of the gracious put-down. There's nothing wrong with being a legislative aide, Killea says, "but people don't equate it with experience in the Legislature."

Real experience or not, Bentley's years as a legislative staffer gained her a network of political contacts in east San Diego County that served her well in her first bid for elective office last year.

Despite the potential of the December 5th special election to be a partisan upset of historic proportions, Democratic legislative leaders could be forgiven for having mixed feelings about it. Initially, Senate President pro Tempore David Roberti was going to concede the seat to the Republicans. But when Killea entered the race, Roberti dispatched one his top operatives, Larry Sheingold, to run her campaign.

Still, the prospect that a Killea victory would be trumpeted as a referendum on abortion has to be unsettling to Roberti, the frequent target of attacks from feminist groups because of his own deeply held anti-abortion views.

Assembly Speaker Willie Brown is publicly supportive of Killea's Senate candidacy. But Democrats worry they would not be able to hold her Assembly district in a special election. Indeed, Republican strategists in Sacramento have spent the '80s salivating over the 78th District registration figures — 46 percent to 41 percent Democratic — and plotting new and more expensive ways to beat Killea.

The Assembly Republican Caucus has gone through the biennial ritual of pouring money into the coffers of one hapless challenger after another, only to watch Killea roll up another routine landslide.

"We have nobody but ourselves to blame," grumbled one Republican. "We throw a quarter-million dollars at her and so she has to throw a quarter-million back. All we've done is raise her name ID and her popularity."

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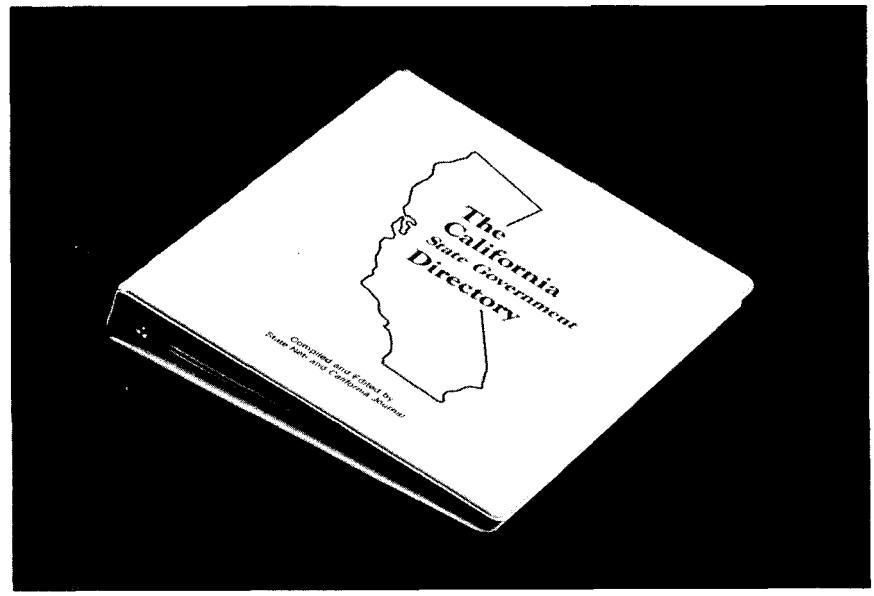

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By Kristina Emanuels

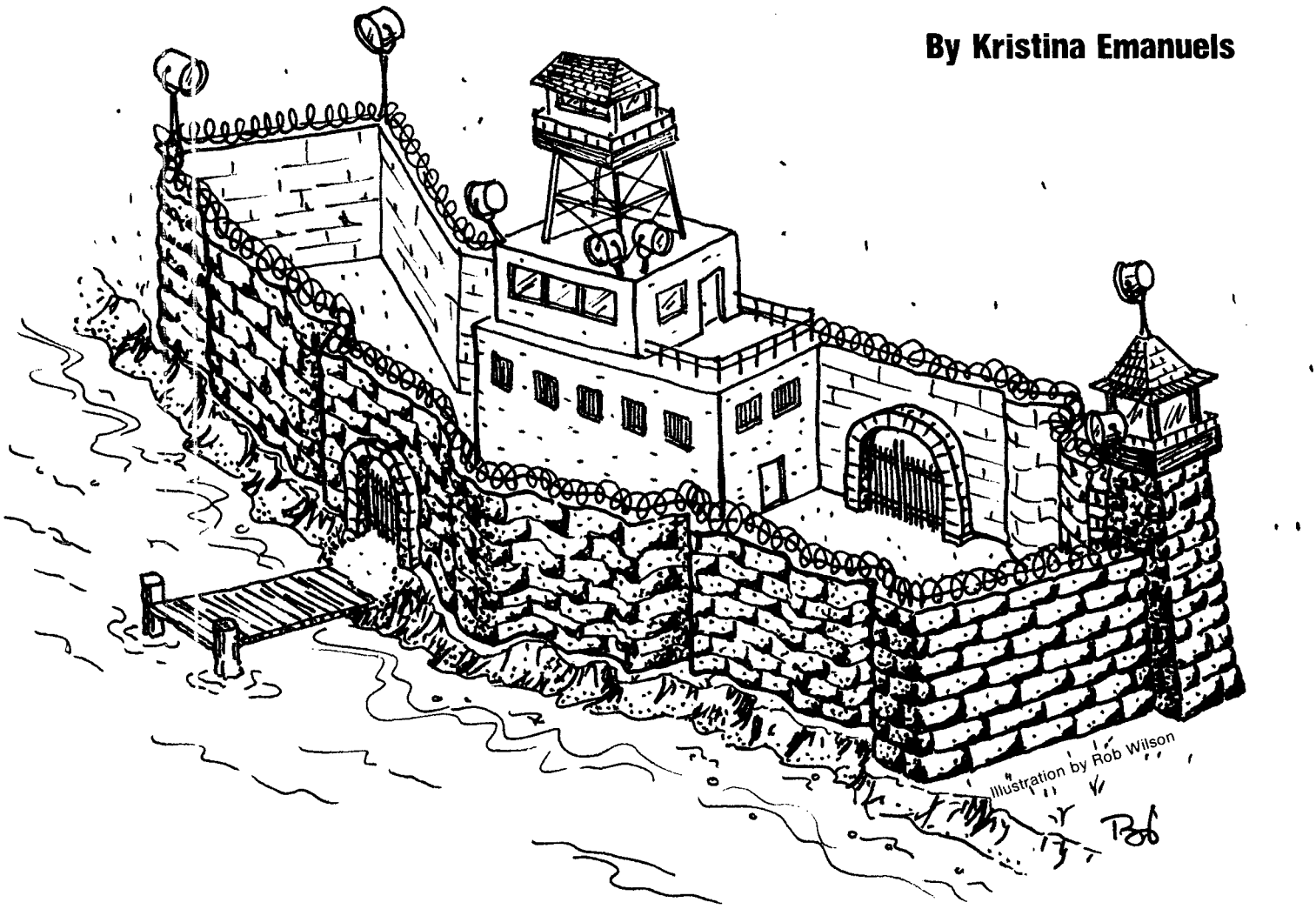

Illustration by Rob Wilson

"You can judge the degree of civilization of a society by entering its prisons."

— Fyodor Dostoyevsky

Nobody likes prisons. Even the people who think we should build more.

"We have no choice. We have to operate these systems because we have to deal with the criminal element," says Senator Robert Presley, a Riverside Democrat who heads the Joint Committee on Prison Construction and Operations and is the man responsible for just about all the legislation authorizing the more than 40,000 new prison beds that have been provided in recent years.

But with prison costs spiraling and inmate populations exploding, the state's obligation to keep prisoners behind bars is becoming a greater and greater burden. Presley acknowledges that it is getting tougher to convince his colleagues to keep building new prisons at the expense of other state programs.

The state has been selling bonds to finance the cost of building new prisons and renovating old ones. These bonds are repaid from the state's general tax revenues — the same source for money to operate the new prisons once they are built.

While voters approved $2 billion in bonds last year for prison and local jail construction, new figures, based on the rate of population growth last Spring, indicate the need for 15 to 20 more prisons in the next five years, with a $3.5 billion price tag. And even then, officials say, the institutions will be overcrowded, overall holding 30 to 50 percent more convicts than their design capacity. The Department of Corrections predicts that 136,000 people will be behind bars by 1994 — a 53,200-person increase from June 1989.

The numbers translate into dollars — it costs $19,355 to keep an inmate in prison for one year, not including the cost of building his or her prison in the first place. If the inmate populations continue to increase each year as they have dur-

Kristina Emanuels was a California Journal *intern.*

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ing the last three years, the annual cost would rise to $3.4 billion by 1994, according to the Legislative Analyst's office. The rate of increase in the cost of the prison system will overwhelmingly outpace the growth rate for other state programs.

In spite of the money going for prison construction and operations, which have increased more than six-fold in the past 10 years, the prisons are becoming more overcrowded each day. According to Presley, the state is still trying to catch up with construction that should have been started years ago. But in the late 1970s, the Legislature, while approving money for planning, was reluctant to authorize actual prison construction, despite projections of a growing inmate population fueled in large part by lawmakers' propensity for passing bills toughening criminal sentences. In fact, until construction began in the 1980s, no new prisons had been built in California for 20 years.

"We are expensive," concedes Corrections director James Rowland. "But on a short-term basis the Department of Corrections is providing public protection, and we're very effective. On a long-term basis, however, we need some discussion of our mission and how we can become more effective in terms of protecting the public without absorbing so many resources."

The Blue Ribbon Commission on Inmate Population Control and Management was established in September, 1989, to "review California's adult and youth correctional facilities systems to determine viable alternatives and solutions to the problems of overcrowding." Riverside County District Attorney Grover Trask, chairman of the commission, said formal recommendations will be presented to the Department of Corrections in January. Trask and other members of the commission are unwilling to say what their report will recommend.

But one obvious way to trim costs is to attack what is causing the population explosion. The rise in population, according to James Gomez, who until this summer was chief deputy for the Department of Corrections, can be blamed on a large increase in the number of drug-related convictions, a burgeoning parole violation rate and longer sentences mandated by the Legislature.

But drug use, points out Trask, has become the driving force in the overcrowding problem. Not only do drug addicts commit crimes to support their habits, but many inmates continue using drugs when they are inside prison. Once prisoners are released, their drug habits cause many to violate parole or commit another crime. According to Senator Presley, "Until we do something about the drug situation ... we probably won't see a great deal of change in the projections of the number of people coming into the system."

Special Assistant Attorney General Brian Taugher told the Joint Committee on Prison Construction and Operations that three of the four people who get arrested in this state for a felony are under the influence of a drug other than alcohol. In Los Angeles, two out of three people who are arrested for a felony are under the influence of cocaine at the time of their arrest.

Taugher, however, doesn't feel that the drug problem will necessarily continue. "There's a couple of indicators that we are past the peak of that period. Middle-class and young people's use of cocaine and other drugs seems to be going down fairly fast. What's happening, though, is that it's intensifying in what we might call an underclass. We're talking about people who are on the street. Drug use is intensifying at levels never seen before probably anywhere in the world. This happened to us in this country a hundred years ago ... and at that time the epidemic died out largely on its own. I think we can see a little ways into the future ... if we provide treatment opportunities for those who are in the system, we can cycle out some of those people. We can spin some of them out of that revolving door. And I think that's where we need to vigorously and immediately move our efforts."

Drug use also plays a role in the 60 percent return rate of prisoners within two years of their release. Gomez states that "drugs are the number one cause for why people are coming back to state prison on parole violations, bar none." In 1987 drug or alcohol violations were a factor in more than half of all parole revocations, regardless of the principal charge.

In an attempt to control the parole violation problem, the Department of Corrections is exploring the possibility of more intensive parole programs where parole officers would be in charge of fewer parolees. If ten percent fewer parolees were returned to custody, the Legislative Analyst estimates that the Department of Corrections would eventually achieve a reduction in inmate population of approximately 1800. This would result in a construction cost savings of about $120 million and an annual savings of $40 million by 1992. The savings would be partly offset, though, by additional expenditures for more parole officers.

All the alternatives to incarceration under consideration by the department involve only short-term prisoners who are classified as "non-violent." There are three pilot projects now being used involving electronic surveillance devices to monitor the activities of parolees. But according to James Rowland, it is too soon to tell their success.

"All I can say is it is encouraging. There are several intensive parole caseloads referred to as SARD [Substance Abuse Revocation Diversion program] dealing with substance abuse parolees," but he adds, "while there is individual success it hasn't been expanded yet to make a dent in the huge problem." There is also a Substance Abuse Treatment Unit (SATU) operating in Fresno.

Jim Gomez adds, "We will get the SARD results in about a year ... we have 1800 parolees going through that program ... [who] are using and abusing substances. What we're finding with our parole agents is we need to have lower caseloads, other resources available to them, and we need to let this SARD and the SATU programs operate for a year or two and come back with some hard data rather than conclusions right now based on nothing but hypotheticals."

Despite the spiraling costs and populations in the prison systems, Gomez says the overall picture for the state prison system is bright. Gomez predicts a continuing commitment to public safety in the Legislature, and budget increases to match the rate of inmate growth.

Senator Presley is also pleased with California's progress with prisons. "We have done quite well, considering where we started," he offered. To Presley, solving the state's prison problems is simply a matter of expanding what the state is already doing to fit the larger scale of incoming inmates. He says that the future rests on Correction's ability to secure support in the Legislature for more bond money and operational funding.

But, contrary to the opinion Gomez gave, he points out that it is becoming tougher and tougher to convince legislators that prisons should get money at the expense of other social programs. But even these alternatives to prisons are expensive, and Presley argues that there will be no cheap way out. Furthermore, he says, we have no choice since he believes the first thing any society must do is maintain law and order. Without a good prison system, he says, we have chaos in society and no good use for other social programs.

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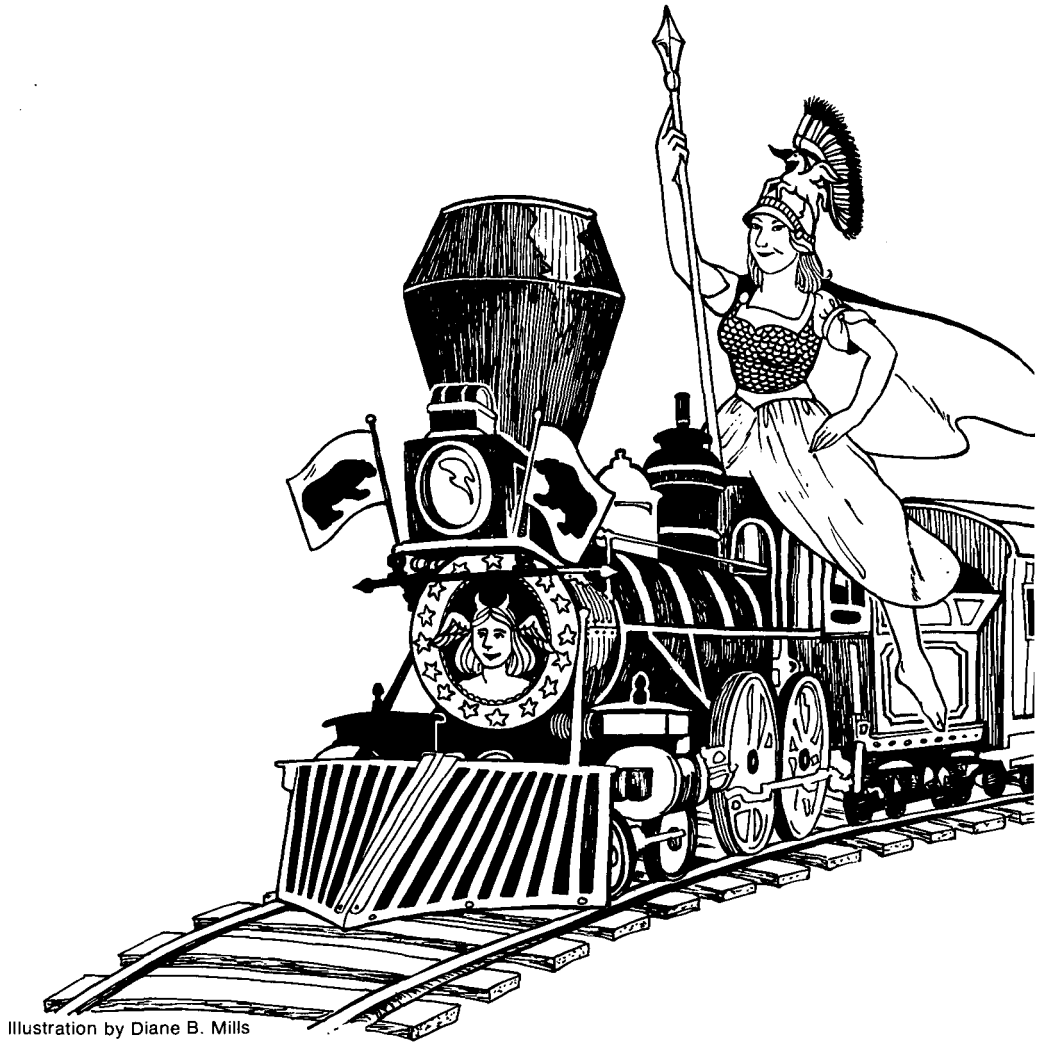

Illustration by Diane B. Mills

Picture this: You're on a business trip in a strange city, and you have an important meeting at three in the afternoon at an office building 20 miles from your hotel. After discovering that the area has no adequate public-transportation system, you climb into your non-air-conditioned rental car and inch onto a hot, congested freeway. You allow 45 minutes to travel the 20 miles. To your dismay, however, traffic is inching along at 10 miles per hour. You arrive at your destination well after five o'clock, just as everyone is leaving.

A transportation nightmare out of *The Twilight Zone*?

No, urban California.

The solution may not be complicated or space age. In fact, the solution may be as simple as yesterday: trains — inter-city, intra-city, inter-urban, intra-urban, subway, elevated — trains to ply the American landscape and speed passengers past clogged freeways.

California's wealth as a state is well-documented. Despite this wealth, California's transportation system is regarded by some as only slightly better than that of a Third World country: over-burdened, polluted, congested freeways; and an inadequate, scattered and, in some places, overwhelmed mass-transportation network.

How came we to this state of affairs?

In the years following the end of World War II, Californians became more and more addicted to the convenience and freedom of movement provided by their automobiles. Government, ever eager to cater to the whims of voters, built highways to accommodate cars and neglected mass transportation — especially in Southern California, where growth was explosive.

Now, however, the transportation situation is forcing Californians to look for alternatives to the automobile. If nothing else, the sheer cost of spending time on freeways is eating at the state's productivity. On Orange County freeways, for example, the average rush-hour speed is barely 31 miles per hour. Statewide, Californians spend 400,000 hours a day sitting in traffic.

A few decades ago traffic problems could be solved or eased by building more freeways, but transportation experts today say that freeway building is no longer a viable option. Not only are urban areas running out of space for new freeways, but the cost of building them is becoming prohibitive. Plus, the recent earthquake which devastated portions of Northern California exposed the danger of stacking one freeway on top of another.

As a result, highway construction is down. In the mid 1960s, when the federal interstate highway program was in full flower, 100 freeway miles were built annually; today, with the federal program complete, only 10 freeway miles are being constructed each year. And the California Department of Transportation (CalTrans) reports that new construction, spot widenings, and restriping will be able to accommodate only a small portion of increased demand. Given that California's population is expected to grow dramatically over the next 20 years, the result is going to resemble trying to stuff Cinderella's step-sister's foot into a miniature glass slipper: too much foot; too little slipper.

Enter railroads.

Railroads, indispensable to the building of California in

Julie Miller was a California Journal *intern.*

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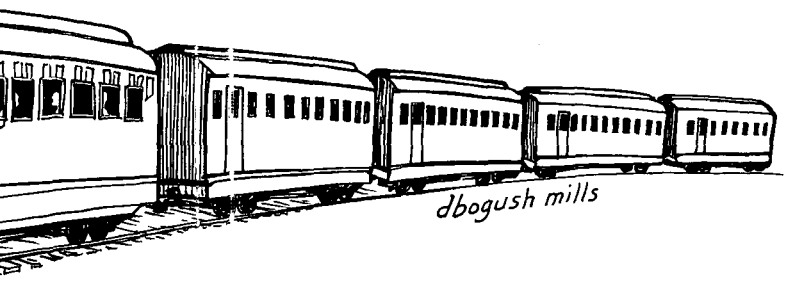
California chugs into the 21st Century

State passenger trains try to keep up with the times

By Julie Miller



the first place and a vital form of 19th Century transportation, accounted for nearly all inter-city travel in 1920. But a half-century later, rail travel had virtually vanished, dealt hammer blows by competition from automobiles and commercial jet travel — and by the railroads' own neglect. Carrying passengers had always been a losing proposition for private railroads, even in the days of great "varnish" trains like the *20th Century Limited*, *Broadway Limited*, *Super Chief* and *City of San Francisco*. Railroads had always made more money carrying freight, and when competition from airlines and autos made passengers even more of a burden, railroads simply abandoned them.

Now railroads, once thought obsolete and outdated for passenger travel, appear headed for a comeback.

Rail travel actually began something of a comeback in 1970 when Congress enacted the Rail Passenger Service Act, which created Amtrak. Amtrak, of course, was a public railroad, not a private one. It was financed by taxpayers.

Amtrak took over nearly all of California's inter-city rail service, as well as some commuter routes. Its network is now comprised of two categories of trains: "basic system trains" supported solely by the federal government; and "403(b) trains" partly funded by the state. Both types serve California.

In California, Amtrak trains run the state north to south, from San Diego to the Oregon border, with all the state's metropolitan areas linked by a slightly imperfect rail network. (For example, Sacramentans who want to travel the Central Valley to Los Angeles by rail must take a bus for a portion of the trip.) East-west routes also feed into Oakland and Los Angeles. The southern San Francisco Bay Area is also served by a limited number of commuter trains, as well as a rapid-transit network known as BART.

The most popular of these lines is Amtrak's *San Diegan*, which is partly funded by the state. Eight daily *San Diegan* trains are operated in each direction between San Diego and Los Angeles. And in 1988 Amtrak started its popular daily round trip between San Diego and Santa Barbara through Los Angeles. The ridership on the *San Diegan* has boomed over the years: only 328,000 passengers traveled on the *San Diegan* in 1973, while over 1.75 million rode the line in 1988. Carl Schiermeyer, an Orange County-based transportation consultant and author of several articles about rail, said the driving factors related to this increase stemmed from the many positive improvements pulling passengers towards rail and the negative aspects of freeway congestion pushing others to switch to rail.

The *San Joaquin* (serving the Central Valley area as well as Sacramento, San Francisco, and Los Angeles), like the *San Diegan*, is funded in part by California. The train's growing popularity recently won it a third train implemented in the Fall of 1989. Ridership has increased dramatically from under 70,000 in 1976 to more than 350,000 in 1988. Although this sharp increase owes much of its success to the area's expanding population, factors such as airline deregulation, freeway congestion, and improved and expanded service have helped make this train one of Amtrak's most successful lines.

The Legislature has also expressed a growing interest in improving rail traffic of late, as judged by the number of bills introduced in recent years and by the many proposals and studies drawn up by various state agencies. Democratic Assemblyman Jim Costa of Fresno, for instance, has been advancing several transportation bills that would provide mon-

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ey for both inter-city rail and mass transit. Costa, a long-time rail supporter, sees trains as one way to ease the congestion and air-pollution problems that he says threatens California's quality of life.

"I see rail as having three stages," Costa said. The first stage involved gaining public and bureaucratic acceptance for rail as an important cog in the state's transportation system. That phase began in the mid to late 1970s and was completed in the last year or two.

The second stage requires the addition of new lines, expansion of current rail service and enhancement and improvement of existing lines. These improvements, though now underway, are in their preliminary stages.

The third phase, said Costa, involves more futuristic steps not likely to get underway until the late 1990s. These include electrification of tracks and "state of the art" trains that speed along at 165 to 200 miles per hour like those currently used in some European countries and Japan. Although the slow speeds of California's trains are criticized by high-speed rail advocates, Costa stresses the need to complete the second stage before plunging into the third. Costa, who realizes high-speed rail's importance to the success of passenger rail, said California's rail system is currently capable of reaching speeds of nearly 110 miles per hour, although it rarely does.

There is one key ingredient needed to continue upgrading the state's rail systems: money. Lots of money. A plan to put two different bond initiatives before California voters next June is underway. If voters pass one or both of these, rail and mass transit would receive some, but far from all, of the money needed to improve and expand California's current rail system. Costa's bill would authorize the sale of three $1-billion bond issues to be sold in 1990, 1992, and 1994. The bonds will only be issued if voters also approve a change in the Gann spending limit scheduled for June as well. A rail-bond initiative proposed by the Planning and Conservation League would, if passed, raise another $1.99 billion through the sale of general obligation bonds for rail projects throughout California.

The Legislature's rail bond proposal is part of a larger transportation package that not only includes modification of the Gann limit, but an increase in the state's gas tax as well. The Planning and Conservation's initiative stands alone. Far from conflicting with each other, Costa said the two initiatives "potentially have the ability to compliment each other." Jim Knox of the Planning and Conservation agreed, adding that if the two initiatives were passed, "the $3 billion dollars would be immediate rather than spread over the next three years."

Both stressed, however, that more money is needed than would be obtained from the two initiatives. Said Knox, "Three billion [dollars] is just the tip of the iceberg of what needs to be funded." Knox said that $14 billion is needed, and even that would only cover urban rail.

If rail is to become a permanent and successful form of transportation in California, rail advocates say, the rail industry has a lot of grueling, expensive, and time-consuming work ahead. The trains in several European countries and in Japan travel at speeds in excess of 180 miles per hour; Germany has the technology to create trains that reach speeds of 300 miles per hour. Next to these modern trains, California's 19th Century rail system looks like a putt-putt, with its slow 79-mile-per-hour speeds. Still, for the first time in many years, rail is receiving a renewed interest from Californians frustrated with the current transportation system. For instance, the notion of a commuter rail system linking Sacramento with the San Francisco Bay Area along the congested Interstate 80 corridor has gained renewed interest and support in recent months.

Are we going back to the days of trains? "This is not a renaissance," stressed Schiermeyer. "We are not going back to something that used to be, but creating a brand new system. So perhaps rather than going back to the 'good ol' days of passenger rail,' we are finally going to attempt to catch up with the 20th Century."

Just in time, too, considering that the 21st Century is around the next bend.

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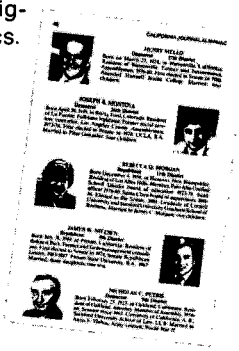

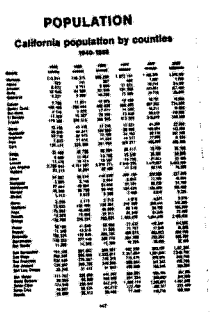

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Whatever happened to the energy crisis?

By Claudia Buck

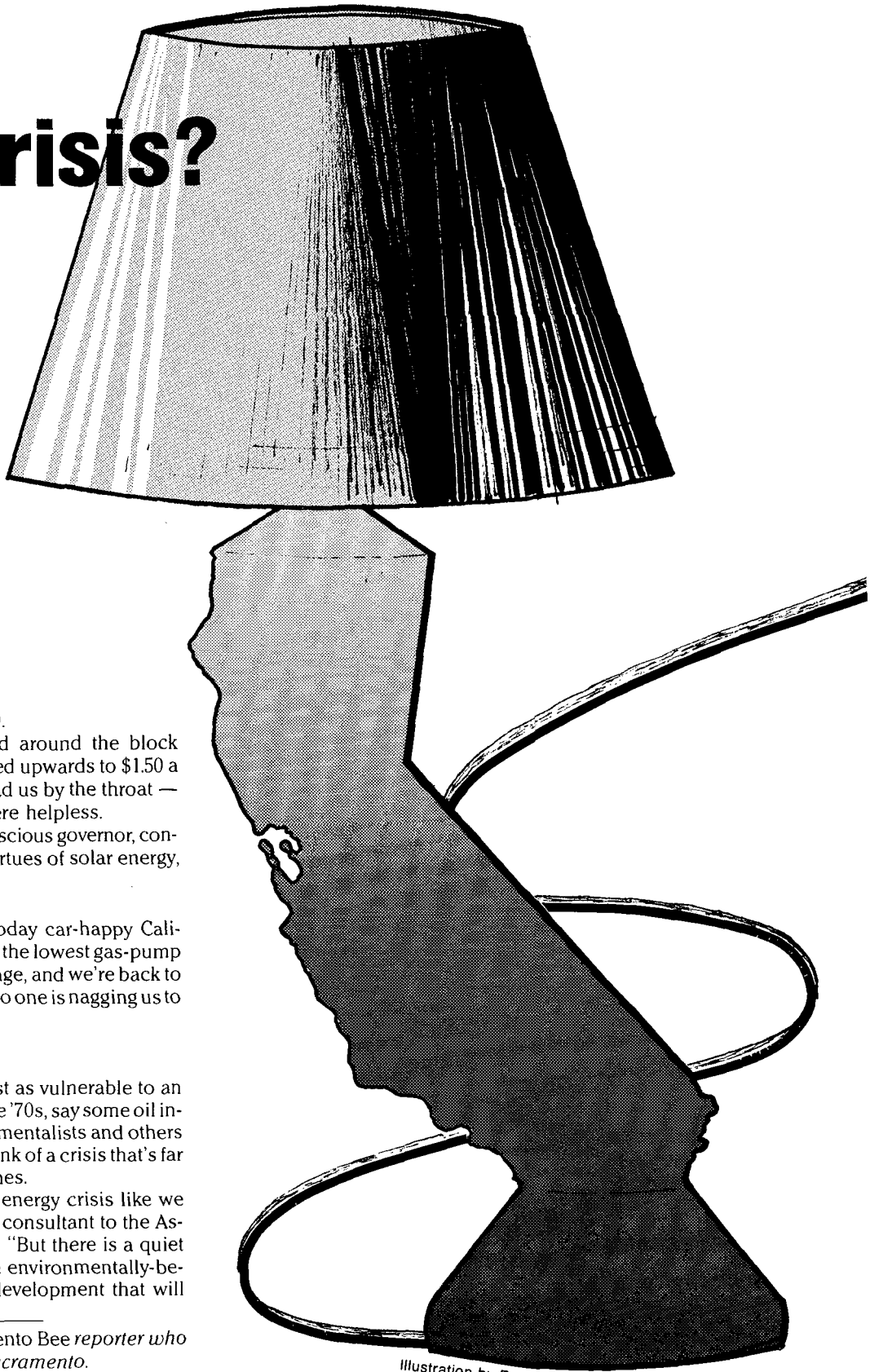

Illustration by Renee Ravizza

Ah, the good old days of 1979.

Gasoline lines extended around the block while prices at the pump raced upwards to $1.50 a gallon. Arab oil producers had us by the throat — or the throttle — and we were helpless.

Meanwhile, at home, an energy-conscious governor, convinced that less is more, extolled the virtues of solar energy, wind power and warm sweaters.

So much for the '70s.

Those days are long gone, and today car-happy Californians are eagerly lapping up some of the lowest gas-pump prices in years. Our cars get better mileage, and we're back to driving 65 mph on some freeways. And no one is nagging us to turn down the heater.

The energy crisis is over.

Or is it?

In some ways, Californians are just as vulnerable to an upset in energy prices as they were in the '70s, say some oil industry observers. Worse, some environmentalists and others believe California is teetering on the brink of a crisis that's far more important than long gasoline lines.

"This is not a headline-grabbing energy crisis like we had in the '70s," said Kip Lipper, chief consultant to the Assembly Natural Resources Committee. "But there is a quiet crisis of whether this state will pursue environmentally-benign energy development or energy development that will

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Claudia Buck is a former Sacramento Bee *reporter who is now a freelance writer living in Sacramento.*

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have an impact on all of us ... through detrimental air quality and global warming."

But it's difficult to get the public or elected officials fired up to do much when the danger isn't obvious.

"The mere fact that there isn't a perceived energy crisis shouldn't persuade the public that the risk of another energy crisis isn't very, very real," said Charles Imbrecht, chairman of the California Energy Commission. "I do think that the general public is too complacent and perhaps doesn't realize the relatively precarious nature of the energy supplies we rely on."

Denny Samuel, chief lobbyist for Chevron U.S.A., believes the energy crisis really isn't over. "It's a crisis in the sense that we are looking at a very large amount of foreign crude oil every day that we depend on."

According to Chevron's chief economist, Bill Hermann, the U.S. currently imports 38 percent of its crude oil from foreign countries. That figure was only 27 percent just four years ago. Given that trend, Hermann and others predict that by the year 2000 the country will be importing well over half its crude oil from foreign sources.

"It's a national security issue," said Hermann. "How dependent do you want to be on areas [such as the Mideast] that are very volatile politically ...?" Our dependence on foreign oil will only worsen, said Hermann, because our domestic production of crude oil is trailing behind our ever-growing appetite for fuel to drive our cars, fuel our planes, heat our homes and run our power plants.

Even though Californians are using less energy per person than a decade ago, according to the Energy Commission, our overall consumption is up because there simply are more of us. And with 4.1 million more drivers on the road than a decade ago, we might be in worse shape than we were in 1973 when the first Arab oil embargo hit, or in 1979 when the Iranian revolution halted the flow of crude oil.

"If gas lines were a mile long then, they'd be two to three miles long today," predicted Samuel.

But not all is so grim. In other ways, California is better off than it was in the '70s.

In 1978, according to the California Energy Commission, California relied on oil and natural gas for 80 percent of its electricity production. By 1988 that percentage had declined to just 36 percent. The bulk of crude oil which is used to produce California's electricity comes either from oil fields within the state or is shipped in from Alaska. California does not import any oil for electricity from Arab countries.

The state has attained that status by shifting away from oil and gas for producing electricity and replacing them with a mix of energy sources, including hydroelectricity, nuclear, coal-burning, co-generation, geothermal, wind power, biomass and solar. It did so by offering solar, wind and biomass tax credits to individuals or businesses that invested in alternative energy and by making it more feasible for alternative energy companies to sell their product to electric utilities.

We've made gains in other areas as well. Through the Energy Commission's efforts, California has the strictest standards in the world for energy-efficient buildings and appliances. By state law, manufacturers of refrigerators, dish-

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washers and other appliances must meet stringent energy-efficiency standards or they can't peddle their products in California. Likewise, all homes and commercial buildings must be constructed to specific requirements for heating, cooling and insulating.

Unfortunately, when it comes to fueling our cars, we aren't so independent. According to the California Energy Commission, California is 99 percent dependent on gasoline and diesel oil refined from crude oil to drive its cars, trucks, trains and planes.

"It's the petroleum in our transportation sector that makes us vulnerable [to an Arab oil embargo]," said Commission spokeswoman Claudia Barker. Or, as Commission Chairman Imbrecht put it, transportation is the "Achilles' heel of California's energy consumption."

But it's not a simple matter of getting more people into car pools or switching their gas tanks to run on methanol fuel.

"The energy crisis is still there only [now] it's called an environmental crisis," said Michael Orians, president of the California Solar Energy Industries Association, noting that the issue is no longer simply saving energy but one of cutting down on air pollution caused by burning fuels.

Energy and the environment have become irrevocably entwined. We need the oil that lies off our coastline but don't want to risk another oil spill by drilling for it. We want alternatives to crude oil but have banned any new construction of nuclear power plants because there's no safe place for the radioactive wastes. We've got three times the proven reserves underground in Kern County as we do offshore, according to the Energy Commission, but we don't want to run the oil-burning steam generators to pump it out.

Meanwhile, wedded to our automobiles, we continue driving and spewing dirty toxins out of our exhausts, polluting the air and potentially damaging the fragile ozone layer.

"There's an emerging scientific consensus that we're going to dramatically need to reduce our use of fossil fuels in order to cut down on the carbon dioxide going into the atmosphere," said Michael Paparian, state director of the Sierra Club.

Carbon dioxide is one of several gasses that create a blanket over the earth, trapping the reflected heat from the sun and contributing to what's known as global warming. Another culprit is chlorofluorocarbon, or CFC, which is found in the freon in air-conditioning systems, among other places. CFCs break up the earth's protective ozone layer, which shields us from the sun's harmful ultraviolet rays.

Based on opinion polls and the Sierra Club's own surveys, Paparian believes the public fully understands the danger of global warming, but he criticizes the governor for failing to respond.

"We need to do some fairly dramatic things ... to ensure the Earth is livable into the next century," said Paparian. "The governor in particular needs to wake up to the importance of that issue," he said, noting that Governor George Deukmejian vetoed a half-dozen global-warming bills this year.

"One does not demonstrate that you're enlightened on issues by signing bills that are seriously flawed," said Deukmejian Press Secretary Kevin Brett. "You just can't really measure the governor's concern by looking at these bills."

According to Bill Sessa, spokesman for the state's environmental affairs agency, the Deukmejian administration already is dealing with global warming. "Literally every

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decision we make on emissions standards or alternative fuels has ramifications on air pollution and global warming," he said.

The state is acting in other ways to wean Californians away from gasoline-burning vehicles. Some 2400 "flexible-fuel" vehicles — designed to run on methanol, ethanol or gasoline — will be running on California streets within the next year, part of a demonstration project sponsored by the California Energy Commission, the Air Resources Board and the South Coast Air Quality Management District. The vehicles, built by Ford and General Motors, will be purchased and driven primarily by local-government fleets, state agencies and private businesses such as taxi or rental-car companies. The cars can tank up at some 55 methanol-equipped gas stations to be installed during the next year by Exxon, ARCO and Chevron U.S.A. If they prove successful in reducing emissions and running trouble-free, state officials hope vehicles like them will wind up for sale in auto showrooms.

In addition, some 150 school buses powered by methanol or other "clean" fuels will be running by mid-1990 under a bill by Assemblyman Richard Katz, a Democrat from Sepulveda. The state also is working with six engine manufacturers to create methanol-powered diesel engines that will be road-tested next year in trucks and busses. Electric cars also will be cruising California streets sometime next year as part of a state program to test their performance and capabilities.

Further studies are under way through the Energy Commission's Energy Technologies Advancement program, which gives grants or loans to alternative energy projects (electric cars) or to increase the efficiency of existing energy systems (steam turbines). There currently are some 40 research projects under way.

"Even though there was no imminent energy crisis in 1987, the Legislature passed the energy research and development program, which showed a lot of foresight on their part," said commission spokeswoman Barker. "A lot of states are cutting back on research and development for energy. For California to buck the trend ... speaks well for the state."

Nevertheless, some say it's not enough.

"There's a tendency to take dramatic action only when there's an immediate crisis like the Arab oil embargo of 10 years ago," said Sierra Club's Paparian. "But by the time the seas start rising because of global warming, it will be much too late to do anything."

Adds Chevron lobbyist Samuel: "When and if an energy crisis occurs, people are going to ask: 'Why in the hell didn't we do something about that?'"

BALLOT FRONT

A roundup of statewide initiative proposals. All statutes require 372,178 valid signatures; constitutional amendments require 595,485. In parenthesis is the deadline for sponsors to submit signatures to county clerks, and the issue of California Journal *that contains a full explanation of each measure.*

New in circulation:

LEGISLATIVE DISTRICTS — an initiative constitutional amendment, sponsored by C. T. Weber of San Diego, that would do away with the current 80 single-member Assembly districts and create eight, 10-member districts, each made up of five adjoining Senate districts. For the primary, the 10 candidates from each party receiving the most votes would be nominated. In the general election, voters could cast votes for either a party slate of candidates or for independent candidates that qualified pursuant to existing procedures. For each 10 percent of the vote, party or independent candidates would capture one district office, with seats allocated in order of votes received in the primary. (April 6, 1990)

Continuing in circulation:

RAIL TRANSPORTATION BOND ACT — an initiative statute, sponsored by Gerald Meral and James Knox of Sacramento and backed by the Planning and Conservation League. (November 27th; August 1989 *CJ*)

LEGISLATURE. INTERNAL RULES. REAPPORTIONMENT — an initiative constitutional amendment, sponsored by Republican Assemblyman Ross Johnson of Brea. (November 27th; August 1989 *CJ*)

WILDLIFE PROTECTION — an initiative statute, sponsored by Gerald Meral, Democratic Assemblyman Lloyd Connelly and Sharon Negri of Sacramento, and by J. William Yeates of Monterey and backed by the Planning and Conservation League. (November 27th; August 1989 *CJ*)

REAPPORTIONMENT BY COMMISSION — an initiative constitutional amendment *and* statute, sponsored by San Mateo County Supervisor Tom Huening. (December 11, 1989; September 1989 *CJ*)

REAPPORTIONMENT BY SECRETARY OF STATE — an initiative constitutional amendment, sponsored by John Stanaland of Laguna Beach. (December 11, 1989; September 1989 *CJ*)

REAPPORTIONMENT BY LEGISLATURE; SUPREME COURT, JUDICIAL REVIEW — an initiative constitutional amendment, sponsored by W. Bruce Lee II of Sacramento. (December 18, 1989; September 1989 *CJ*)

LEGISLATURE. ETHICS. REAPPORTIONMENT. — an initiative constitutional amendment, sponsored by Gary Flynn of San Rafael. (January 2, 1990; September 1989 *CJ*)

REAPPORTIONMENT. POLITICALLY COMPETITIVE DISTRICTS. VOTER REGISTRATION — an initiative constitutional amendment and statute, sponsored by Republican state Senator Bill Leonard of Redlands. (January 16, 1990; October 1989 *CJ*)

LEGISLATIVE TERM LIMITS — an initiative constitutional amendment, sponsored by John MacDonald of Santa Rosa and Gerald Partain of Bayside. (February 13, 1990; October 1989 *CJ*)

HUMAN LIFE — an initiative constitutional amendment, sponsored by Andrew Eppink of Palmdale. (February 16, 1990; November 1989 *CJ*)

Petitions submitted:

SPLIT ROLL PROPERTY TAX — an initiative constitutional amendment sponsored by Bill Zimmerman of Santa Monica. (October 30th; July 1989 *CJ*)

CRIMINAL LAW — an initiative constitutional amendment sponsored by GOP state Senator Ed Royce of Anaheim, Colleen Thompson Campbell of San Juan Capistrano, and Kern County District Attorney Edward Jagels. (November 6th; July 1989 *CJ*)

Failed to qualify:

AIDS — an initiative statute sponsored by Bruce Decker of the Health Policy and Research Foundation (Los Angeles), Dr. Michael Gottlieb (Sherman Oaks) and Reverend William Wood of the California Catholic Conference (Sacramento). (October 27th; July 1989 *CJ*)

RIGHT TO BEAR ARMS — an initiative constitutional amendment sponsored by Paul Chamberlain of Sacramento. (October 30th; July 1989 *CJ*)

ELECTION DATES — an initiative statute sponsored by Thomas Neece of San Francisco. (November 6th; July 1989 *CJ*)

SCHOOL PRAYER — an initiative constitutional amendment sponsored by Eunice Parquet of Oakland. (November 6th; July 1989 *CJ*)

Source: Secretary of State

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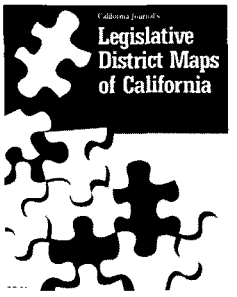

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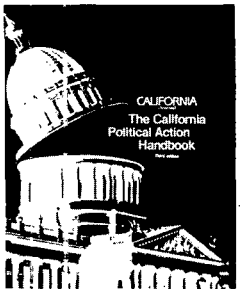

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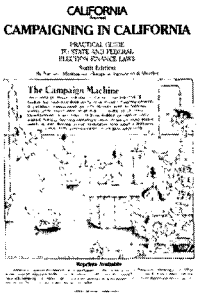

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WASHINGTON PERSPECTIVE

By LARRY LIEBERT

Earthquake politics — D.C. style

Crises come and go in Washington. They produce a frenzy of activity and then disappear as soon as some other politically compelling preoccupation elbows its way into the spotlight.

HUGE AND VEXING ISSUES — the savings and loan crisis, the drug epidemic, radioactive waste at federal nuclear facilities — to name a few — have dominated the debate in Washington for five or six weeks each in 1989, only to fade away without being genuinely resolved.

This fickle quality of the federal decision-making process was uppermost in the minds of California members of Congress when they pushed through a $2.85 billion package of relief just a week after the earthquake that devastated the Bay Area. The Californians unsuccessfully sought yet another billion dollars because they knew Washington's attention span is frightfully short.

"'Out of sight, out of mind' is what works around here," Congressman Vic Fazio, a Sacramento Democrat, explained in October. "The time to strike is now."

But the magnitude of the damage in California dwarfed even such massive dollar figures, and the state's congressional delegation expects to lobby for more money as soon as Spring 1990. The catch, of course, is that Washington will have moved on to other crises in other places. The quake will be old news, and President George Bush and Congress may feel that the deficit-ridden federal government cannot afford to reopen its checkbook.

"We've had the visits by the president, by the governor," said Congressman Leon Panetta, Democratic chairman of the House Budget Committee whose district includes hard-hit Santa Cruz County. "When they leave and the cameras leave, the victims have to pick up the pieces."

Republican U.S. Senator Pete Wilson, who is running for governor, has suggested a second omnibus measure — this one with the theme of long-term rebuilding of the damaged area — would be appropriate. But Californians may be reduced to less-glamorous pork-barrel politics to get more money for quake relief, dickering for $100 million here or $200 million there in various pockets of the federal budget.

Whatever may happen later, the initial response to the quake brought out the best in politicians ranging from San Francisco Mayor Art Agnos to President Bush.

After criticism of the federal response to Hurricane Hugo (Democratic U.S. Senator Ernest Hollings of South Carolina called the Federal Emergency Management Agency (FEMA) the "sorriest bunch of bureaucratic jackasses" he had ever seen) Bush made certain the White House moved quickly after the quake.

With unheard-of speed, he declared the Bay Area a disaster area, eligible for federal aid, the morning after the quake, and he made an inspection tour of the damage two days after that. Although Bush's tour was mostly for the benefit of the cameras, politicians of both parties warmly welcomed the gesture, and the president seemed to learn more about what a quake can do. (For one thing, Bush was surprised to learn that most people do not have earthquake insurance — a rather fundamental fact to keep in mind if you are in charge of providing federal aid to clean up the damage.)

For their part, congressional leaders guaranteed that the quake relief measure would speed into law by tacking it onto a resolution needed to keep the entire federal government operating.

The California congressional delegation showed remarkable unity that extended across the partisan divide from the quake-shaken north to the populous south. But the delegation's self-described clout was put in some question when a crucial House committee rejected the effort to add an extra billion to the $2.85 billion bundle of aid.

Fazio is a popular and increasingly influential member of the Appropriations Committee. But that didn't stop committee chairman Jamie Whitten, a Democrat from Mississippi, from angrily rejecting Fazio's effort to lobby through more money than Whitten was willing to accept. There was obvious sentiment in the committee that the Californians were getting too greedy. Louisiana Republican Robert Livingston satirized their approach by mockingly asking for $5 billion to reimburse his state for all the hurricanes that have lashed its shores in this century.

"We are the Golden State, and I think there is a certain amount of jealousy," Fazio remarked after he and his California colleagues were slapped down.

When the measure moved to the Senate side, however, Wilson and Democratic U.S. Senator Alan Cranston succeeded in loosening some terms of the aid package, including raising the total that the Small Business Administration is authorized to spend from its disaster fund on loans for homes and businesses.

The changes in the Senate explain one persistent cause for confusion: The package is variously referred to as costing from $2.85 billion (the amount of new money actually appropriated) to more than $4 billion (the total that was made potentially available once additional loan funds were freed up). And the aid that will go to the Bay Area is uncertain anyway because some portion, presumably relatively small, will go to the unfinished needs of areas hit by Hurricane Hugo.

ONE THING THE EARTHQUAKE DID NOT DO was jar loose any articles of political faith in Washington. Although Bush did not begrudge the costly package of aid for the Bay Area, neither did he concede that it provided any new reason to relax his opposition to new taxes.

Democratic critics argued that the quake provided ample reason for the president to proclaim himself emancipated from his no-new-taxes campaign pledge. Democratic U.S. Senator Daniel Moynihan of New York said Bush should have announced, "Then was then. Now is now. We've had an act of God."

Larry Liebert is Washington bureau chief for the San Francisco Chronicle.

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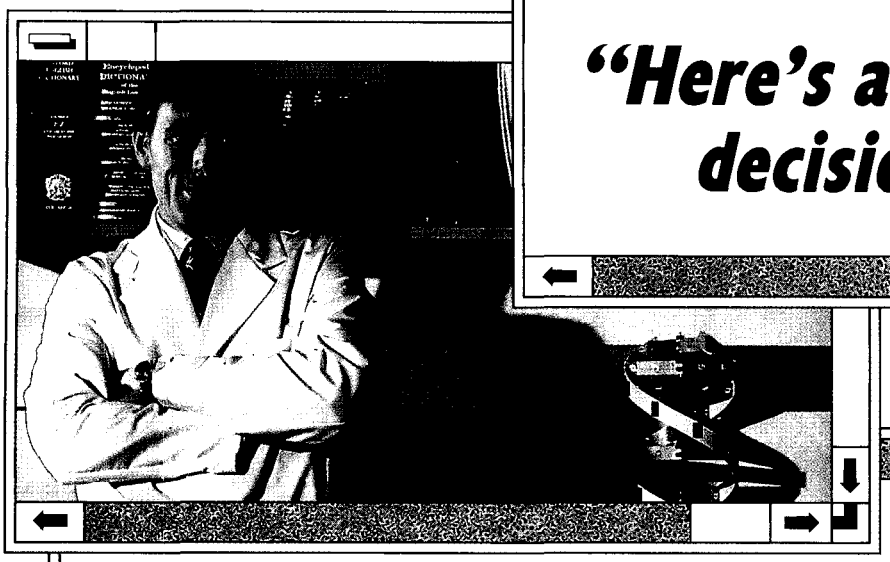

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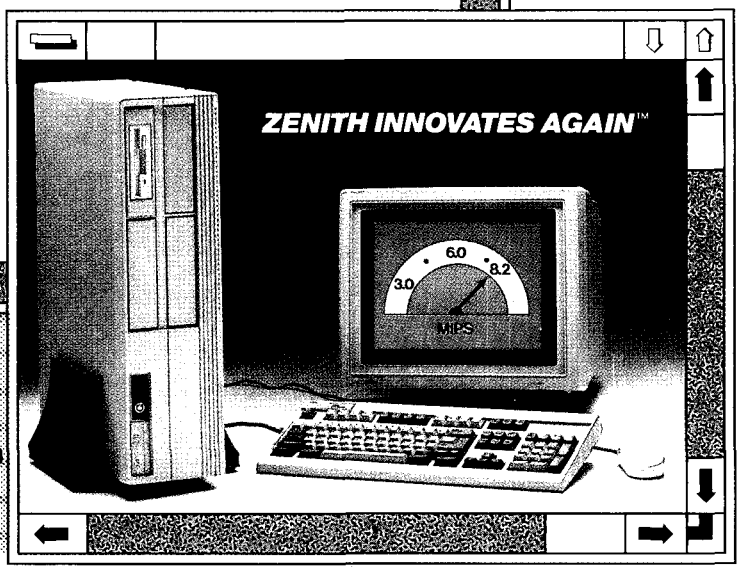

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